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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 22nd February, 2023

Time: 10.00 am

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

Chair: Councillor S Merifield

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

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

Public Speaking

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

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

Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins.

AGENDA

PART 1

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 5 - 13
To consider the minutes of the previous meeting.
- 3 UTT/22/2052/FUL - Sector IV Woodlands Park Great Dunmow, Parsonage Downs, GREAT DUNMOW** 14 - 64
To consider application UTT/22/2052/FUL.
- 4 UTT/22/1508/DOV - Sector 4, Woodlands Park, GREAT DUNMOW** 65 - 80
To consider application UTT/22/1508/DOV.
- 5 UTT/22/3178/DFO - Land East and North of Clifford Smith Drive, FELSTED** 81 - 106
To consider application UTT/22/3178/DFO.
- 6 UTT/22/1718/FUL - Land West of Colehills Close, Middle Street, CLAVERING** 107 - 163
To consider application UTT/22/1718/FUL.
- 7 UTT/22/3164/FUL - Brooklands Farm, High Street, CLAVERING** 164 - 188
To consider application UTT/22/3164/FUL.
- 8 Late List** 189 - 190

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

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

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

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

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Agenda Item 2

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

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

Officers in attendance: L Ackrill (Principal Planning Officer), N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), E Smith (Solicitor) and L Trevillian (Principal Planning Officer), M Watts {Environmental Health Manager (Protection)} and K Wilkinson (Strategic Development Engineer – Essex CC).

Public Speakers: I Abrams, Councillor J Cheetham (Takeley PC), M Colletta, C Conway, D Conway, T Demetriades, Councillor G Driscoll, R Keys, Councillor G Mott (Elsenham PC), A Owen, S Parnaby, D Poole, N Reeve, Councillor G Smith, J Thwaites, Councillor A Townsend (Great Hallingbury PC) and V Waring.

PC268 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Freeman and Fairhurst; Councillor Light substituted for Councillor Fairhurst.

Councillors Bagnall and Sutton both declared that they were Ward Members for Takeley (Item 11).

PC269 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 25 January 2023 were approved as an accurate record.

PC270 **SPEED AND QUALITY REPORT**

The Head of Development Management and Enforcement presented the Speed and Quality Report. He drew Members' attention to the percentage figures shown in red representing the Quality of major Development.

The report was noted.

PC271 **QUALITY OF MAJOR APPLICATIONS REPORT**

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

The report was noted.

PC272 S62A APPLICATIONS

The Head of Development Management and Enforcement presented the S62A Applications report and updated Members on progress made. He agreed to inform Members when he knew the dates for the re-scheduled hearing for Land to the West of Thaxted Road, Saffron Walden.

The report was noted.

PC273 UTT/22/0267/FUL - LAND AT TILEKILN GREEN, START HILL, GREAT HALLINGBURY

The Senior Planning Officer presented an application for an open logistics facility where storage containers are decanted from larger vehicles onto smaller ones, to be located in the Countryside Protection Zone (CPZ) in Great Hallingbury. She highlighted a number of issues that had been raised and updated Members on information contained in the Late List.

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.

Following the presentations by the public speakers, the meeting adjourned at 11.35 and reconvened at 11.45.

In response to various questions from Members, officers:

- Confirmed that Forestry Commission consent had been given for the removal of trees and that there was a copy on the Council website.
- Referred Members to the map that showed the number of Wren's employees living within 5 miles of the site.
- Outlined the daily traffic movements of 224 two way staff movements and 86 HGV movements. Tracking had taken place of 16.5m HGVs but not of 18.75m vehicles.
- Confirmed that there had been a breach of S4 but that it had always been the intention for Wren to move off-site.
- Clarified the background noise issues relating to masking, in terms of volume and impact. British Standards had been applied but that did not mean there was no noise. It was said that the Noise Consultant had undertaken a desktop exercise, based on assumptions and that modelling had been looked at over 16 hours rather than 24 hours. Members were generally dissatisfied with explanations offered in respect of noise assessments.

- Detailed access to the M11 from site and possible diversions if the M11 was blocked.

Members discussed:

- That access had not been available to site at the time of the site visit; it was considered that there had been enough seen from distance to continue the discussion rather than defer.
- The fact that there had previously been 9 reasons for refusal and that Essex Highways and Highways England now had no objections.
- Serious concerns that the traffic management proposals would not work, particularly in respect of access and the relief road. Concerns were expressed about the inappropriate size of vehicles involved and the changes to traffic flow since the opening of J7A of the M11.
- The need to maintain the CPZ and current attractive piece of landscape, particularly with the current setting of the 16th Century building (The Old Elms).
- Concerns in respect of wildlife, nature conservation and impact on rural character.
- Noise impact methodology and the effects that 24 hour operation would have on neighbours.
- Light pollution.
- The possibility of changing operating hours when the business model was based on 24 working hours per day.
- The breach of S4.

Following discussions in respect of possible reasons for refusal of the application, Councillor Pavitt proposed refusal of the application on the grounds of S7, S8, GEN4 and ENV2.

Councillor Light seconded the motion.

RESOLVED that the application be refused on the grounds of S7, S8, GEN4 and ENV2.

Councillor G Driscoll, J Thwaites, M Coletta, R Keys, D Conway, C Conway, N Reeve, T Demetriades, V Waring and Councillor A Townsend (Great Hallingbury PC) spoke against the application and two statements were also read out from A Smith and O Smith against the application as it stood.

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

The meeting adjourned for lunch at 12.45 pm and re-convened at 1.50 pm.

PC274 **UTT/21/2461/DFO - LAND TO THE WEST OF ISABEL DRIVE AND OFF STANSTED ROAD, ELSENHAM**

The Principal Planning Officer presented a planning application for Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings and associated works to include details required by Conditions 17 and

19 of planning permission ref; UTT/19/2470/OP. He updated Members on information in the Late List and referred to a submission from Elsenham PC that had been circulated.

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

In response to questions from Members, officers:

- Confirmed that the applicant was not seeking approval of details in relation to condition 17 imposed on the outline permission, but merely that the applicant as part of this application has incorporated noise mitigation measures as part of the overall design and layout of the scheme.
- Reference was made to the Noise Impact Assessment being a useful document for reference.
- Described the design and appearance on balance as being “acceptable” and referred to the comments made by the Urban Design Officer. It was suggested that details of materials could be conditioned.
- Explained the reasoning behind the report coming forward at this time.
- Said that the Planning Inspector had looked at data re emissions from the M11.
- Detailed affordable housing as shown on the plans.
- Said that the 6 metre high fencing along the northern boundary of Parcel B by way of a suggested condition could be replaced with a bund & acoustic fence similar to that proposed along the western boundary and that this was not in the woodland buffer zone.

Members discussed:

- The fact that the design could be improved.
- The fact that there had already been considerable improvements made to the scheme.
- Number of dwellings could be reduced.
- The need to avoid oppressive boundary treatment.
- Concerns that the Urban Design comments had been only recently received.

Councillor Emanuel proposed that the application be deferred in order to allow the Urban Design Officer to work with the applicant and also to seek to avoid oppressive boundary treatment.

This proposal was seconded by Councillor Bagnall.

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

Councillor G Mott spoke against the application on behalf of Elsenham PC.

A Owen (Applicant) spoke in support.

The meeting was adjourned for a comfort break between 2.40pm and 2.45pm.

PC275 UTT/22/2480/FUL - LAND TO THE NORTH WEST OF HENHAM ROAD, ELSENHAM

The Principal Planning Officer presented an application seeking variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal – conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway.

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

In response to questions from Members, officers:

- Outlined the access arrangements and cycleway details.
- Explained the logic behind the revised condition that the cycleway should be constructed prior to the occupation of the 80th dwelling on site.
- Said that there was no need for a “catch-all” statement to be inserted as everything was covered through the phasing plan.

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

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

PC276 UTT/22/2035/FUL - LAND EAST OF ST EDMUNDS LANE, GREAT DUNMOW

The Principal Planning Officer presented an application for full planning permission for the erection of 30 new self-build and custom built dwellings.

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

In response to questions from Members, officers:

- Said that the calculation had not yet been completed for a contribution in lieu of affordable housing; this would be an independent assessment that had to be agreed by the applicant and the Council’s Housing Enabling Officer. It would not be negotiable.
- Said that no changes had been made in terms of design but that the significant change was the financial contribution to be made in lieu of affordable housing.
- With reference to the buffer zone and boundaries, said that proposed details would have to be submitted for each plot given the nature of the scheme.
- Said that the current land supply figure was 4.89 years but there was a need to go beyond 5 years to ensure a buffer was in place.

The applicant was allowed to speak to clarify garden sizes and footpath issues.

Members discussed:

- How the affordable housing contribution was to be determined and the need for Members to be aware of a possible sum. It was again stated that the Housing Enabling Officer would have to agree this and that the figure was being independently assessed and would be part of the S106.
- The possible intrusion into the countryside as urban sprawl.

The Head of Development Management and Enforcement said that this matter had already been to appeal and that the only outstanding issue was the S106 agreement. Everything else had been considered previously.

Councillor Loughlin said that she could see no planning reason to refuse the application and proposed approval in line with the recommendations as stated. This was seconded by Councillor Pavitt.

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

PC277 UTT/22/1275/OP - LAND AT PARSONAGE FARM, PARSONAGE FARM LANE, GREAT SAMPFORD

The Principal Planning Officer presented an application that sought permission for the construction of a mixed-use development containing 27 residential dwellings (14 private and 13 affordable) and a community shop alongside associated works with all matters reserved apart from access.

He recommended that the Director of Planning be authorised to refuse permission for the development for the reasons set out in section 17 of the report.

In response to questions from Members, officers:

- Outlined the public consultations that had taken place.
- Said that there had been no engagement with the Parish Council by the applicant prior to submission of this application.

Members discussed:

- Concerns expressed by Sampford Parish Council, particularly relating to the difficulties of running a community shop.
- The fact that the Highways Authority had opposed this development.
- That the proposal was unsustainable and there was a need for better transport links.

Councillor Loughlin proposed refusal of the application on the grounds as detailed in the report. This was seconded by Councillor Lemon.

RESOLVED that the application be refused on the grounds stated in the report.

Cllr G Smith spoke against the application and I Abrams (Agent) spoke in support.

There was a brief adjournment from 4.02pm – 4.07pm.

Councillors LeCount and Light both left the meeting during the adjournment.

PC278 **UTT/22/2744/FUL - LAND KNOWN AS 7 ACRES, WARISH HALL FARM, PARSONAGE ROAD, TAKELEY**

The Principal Planning Officer presented a report seeking full planning permission for the construction of 4 industrial/flexible employment buildings with associated landscaping and parking.

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

In response to questions from Members, officers:

- Said that talks were on-going with the Clinical Commissioning Groups (CCG).
- Explained the layout of the 4 blocks.
- Said that Condition 40 stated that usage would be for light industrial warehouse units.
- Explained the vehicular access to parking areas.
- Said that Condition 38 covered green issues relating to solar panels.

Members discussed:

- The benefits of further employment opportunities.
- Concerns about traffic, particularly HGV's.
- The potential for a Medical Centre and whether or not it would actually be built.
- That the site would be well-contained and very enclosed.
- The fact that it was further erosion of the CPZ and would be on agricultural land, with an adverse impact on landscape and views.
- Planning balance considerations.
- Highways concerns and an on-going accident investigation which could not be discussed. The Strategic Development Engineer- Essex CC said that the 4 Ashes junction had been assessed and included the cumulative impact. She said that there would be a roundabout and the speed limit further north should slow down traffic. Cycleways would also connect. The possibility of signage being put in Parsonage Road would be considered.
- Concerns that the layout was dense and cramped and needed better design.

The Head of Development Management and Enforcement said that he needed to put things in context. He said that the CPZ was not green belt and that although S8 said that it should be preserved, this was given less weight. Green

belt is statutory and the legislation and case law regarding it is clear. The CPZ does not have that status. He said it would be difficult to rely on the land being agricultural or CPZ in terms of possible refusal given the comments of the Inspector in their entirety.. The buffer issue had been resolved and he accepted that progress in respect of a Medical Centre would be slow, and that perhaps a 5 year option should be put in place but that the Health Authority were currently engaged in the process and that deferral would be an option in order to progress any outstanding matters.

Councillor Pavitt said that he was conscious that this was not an easy matter to resolve and, in light of that, he proposed deferral in order that

- further clarification could be sought from the Highways Authority,
- the proposed site layout could be revisited, and
- further investigation into the proposed Medical Centre could take place.

This was seconded by the Chair.

The proposal was lost.

Councillor Emanuel said that it was unclear exactly what information was wanted from the Highways Authority and proposed approval of the application with the consideration and consultation period for the Health Centre to be increased from one year to five years.

This did not find a seconder.

Councillor Loughlin proposed refusal of the application on the grounds of S7, S8 and GEN4.

The Head of Development Management and Enforcement expressed concern that these reasons would not be defensible on appeal, and that the potential harm must be particularised and that there had been no objections from statutory consultees.

He said that he was obliged to seriously warn Members not to go down this route.

Following further discussions, Councillor Lemon seconded the proposal.

The Head of Development Management and Enforcement repeated that he seriously suggested advising deferral. However, there was a proposal on the table and therefore Members would have to move to a vote.

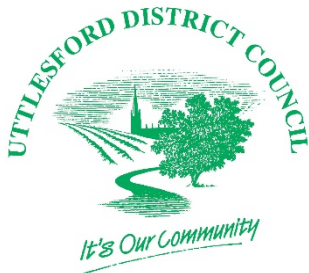
RESOLVED that the Director of Planning be authorised to refuse planning permission for the development as detailed in the above motion.

Cllr J Cheetham (Takeley PC) spoke against the application and a statement was also read out from M Peachey against the application.

D Poole (Applicant) spoke in support.

The meeting ended at 5:20 pm.

Agenda Item 3



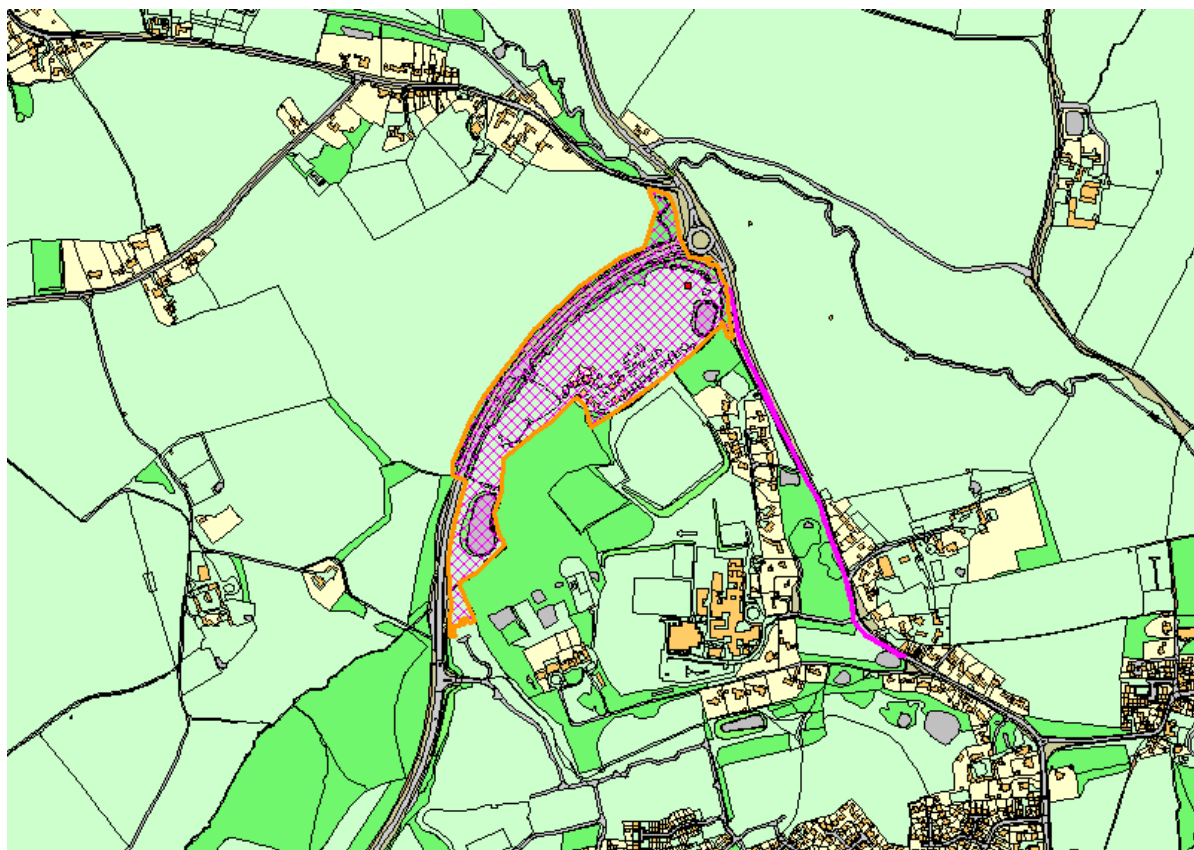
ITEM NUMBER: 3

PLANNING COMMITTEE DATE: 22 February 2023

REFERENCE NUMBER: UTT/22/2052/FUL

LOCATION: Sector IV Woodlands Park Great Dunmow,
Parsonage Downs, Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.

APPLICANT: Mr Stephen Hammond - Wickford Development Company Limited

AGENT: Mr Melville Dunbar - Melville Dunbar Associates

EXPIRY DATE: 3 November 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits; site within 2KM of SSSI; Tree Preservation Order; within 250m of Ancient Woodland (Fredericks Spring) & within 250m of County Wildlife Site.

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

1. EXECUTIVE SUMMARY

1.1 Full planning permission is sought to revise a scheme approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.

1.2 Application UTT/2507/11/OP granted permission for the demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow North West By-pass of approximately 0.55km in length (approved under Ref.No. UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane). Removal of existing spur from roundabout. This was determined in August 2012.

- 1.3 As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.4 Given the extant permission that has commenced and is partially complete and occupied, this would be considered a ‘fallback’ position in considering what is acceptable at the site. Albeit given reduced weight as the applicant considers this to be an unviable option.
- 1.5 The proposals would significantly boost the Councils housing supply including the provision of affordable housing. Furthermore, weight has been given in respect to the completion of the northwest bypass and the provision of public open space. The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.6 Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. **RECOMMENDATION**

- 2.1
- | |
|--|
| <p>That the Director of Planning be authorised to GRANT planning permission for the development subject to those items set out in section 17 of this report –</p> <p>A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out</p> <p>B) Conditions</p> <p>And</p> <p>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.</p> |
|--|
- 2.2 In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the proposals cannot be tested against a fully up-to-date Development Plan and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

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

1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

3. SITE LOCATION AND DESCRIPTION:

3.1 The site is former agricultural land and has an area of 11.1 hectares. The land is enclosed by the route of the bypass and 5.5 hectares is proposed for residential development. It has a curving; almost crescent shape and its northern and western edges are defined by the line of Woodside Way (B184).

3.2 From the line of Woodside Way, the site slopes down towards Hoglands Brook on the south-eastern boundary and there is an overall slope down from west to east. To the south are areas of woodland and the playing fields of the Helena Romanes Secondary School.

3.3 The site is not located within a conservation area and there are no listed buildings on the site. However, the Great Dunmow Conservation Area is located over 100m due southeast of the site, where there are a number of Grade II Listed buildings. The site is located outside development limits and is also located outside of the Great Dunmow Neighbourhood Plan boundary.

4. PROPOSAL

4.1 Full planning permission is sought for the Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings).

4.2 The proposal involves a revised scheme involving 3 separate areas that were included as part of the site for the construction of up to 125 No. dwellings approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO. The 3 parcels of land would include the following:

- 4.3**
- Parcel A: 8 dwellings comprising 2 x social/affordable rented dwellings, 3 x shared ownership dwellings and 3 x 4-bedroom open market dwellings;
 - Parcel B: 17 open market dwellings comprising 16x3 bedroom dwellings and 1x5 bedroom dwelling;
 - Parcel C: 3 open market dwellings comprising 2x5 bedroom dwellings and 1x3 bedroom dwellings.

- 4.4 As part of the original application, the proposal included the completion of the northwest bypass, 40% affordable housing units and 3 hectares of public open space.
- 4.5 This application has been submitted alongside a deed of variation application (UTT/22/1508/DOV) to amend the S106 to reduce the Affordable Housing requirement from 40% on site to 23.7% by way of disposing of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing.
- 4.6 As part of this proposal, the layout of the site has been amended and the number of units on the site overall would be reduced from 125 to 118. In addition, the 'affordable housing units' on the site would be reduced from 50 to 28.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

- 6.1
- UTT/2507/11/OP - Demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow Northwest By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right-hand turn lane). Removal of existing spur from roundabout - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 02/08/2012.
 - UTT/13/1663/DFO - Details following outline application UTT/2507/11 for demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow North West By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane). Removal of existing spur from roundabout -

Details of appearance, landscaping, layout and scale - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 25/06/2013.

- UTT/13/3368/FUL - Removal of condition 11 (The plans and particulars submitted shall achieve a "code for sustainable homes" rating of "level 4") and condition 12 (Onsite renewable or low-level carbon energy technologies to provide 10% of the annual energy needs) of planning permission UTT/2507/11/OP. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex – Approved – 24/06/2013.
- UTT/13/3393/FUL - Removal of condition 4 (further details of the youth shelter required in accordance of condition 19 shall be submitted to and approved by the local planning authority before the occupation of the 30th open market housing unit.) from planning permission UTT/13/1663/DFO. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex – Approved – 15/05/2014.
- UTT/13/3439/FUL - Removal of condition 19 (the plans and particulars submitted shall include a scheme for the provision of a youth shelter to be installed on open space of the development.) from planning permission UTT/2507/11/OP. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex – Approved – 15/05/2014.
- UTT/14/2989/NMA - Non-Material Amendment to UTT/13/1663/DFO - Minor changes to application boundary, enlargement of rear gardens to plots 124 and 125, enlargement of area of public open space, removal of area of land comprising the dam and outfall to the adjoining Victorian pond - Sector 4 Woodlands Park Great Dunmow – Approved – 17/10/2014.
- UTT/17/2900/NMA - Non-Material Amendment to UTT/13/1663/DFO - Revisions to Plots 57, 58, 63, 64, 65, 71, 105, 110, 111, 112, and 124. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Approved – 09/04/2018.
- UTT/20/0878/NMA - Non-Material Amendment to UTT/13/1663/DFO - adjust curtilage of plots 114, 124 & 125 to provide usable garden space from surplus open space land adjacent to plots - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Approved – 23/07/2020.
- UTT/22/2735/NMA – Non-material amendment to UTT/13/1663/DFO - Plot 68 Garage moved back 1.5m; Plot 69 Garage moved back 1m; Plot 70 House repositioned and garage moved back 1m; Plot 72 Garage moved back 6m to provide additional parking; Plot 82 HT T replaced with HT N2 and detached garage; Plot 86 Garage moved

back by 1.3m; Plot 87 Garage moved back by 6m to provide additional parking; Plot 88 Garage moved back by 1m; Plot 89 Garage moved back by 0.5m; Plot 91 removed driveway gates; Plot 92 Garage moved back by 0.5m; Plot 93 Garage moved back by 0.5m; Plot 94 Garage moved back 0.5m; Plot 109 Garage moved back by 1m and Plot 113 Garage moved back by 1m. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Approved – 02/11/2022.

- UTT/22/1508/DOV - Deed of Variation (DoV) to the Section 106 (S.106) attached to Planning Permission UTT/2507/11/OP to reduce the Affordable Housing requirement to 23.7%, to dispose of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing. - Sector 4 Woodlands Park Great Dunmow – yet to be determined.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 No formal pre-application discussions or community consultation have taken place. However, extensive discussions with the Council and community took place as part of the original application for the site.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – Comments provided.

- 8.1.1
1. The parcel B road is 100m long and so a traffic calming feature is required for it to be part of the proposed 20mph zone. The dark lines may indicate traffic calming but it is not clear as there is no key. On a shared surface cushions may be used but not road humps.
 2. The visibility splays to the access road should be shown (2.4 by 43m). All vegetation should be planted 1m clear of the visibility splays.
 3. In Parcel B there are 17 dwellings but only 2 visitor parking space, rather than 4 as required in the Essex Parking standards. Although Parcel B has more than required a better distribution of spaces would help ensure inappropriate parking does not take on the shared surface in plot B

8.2 Highways Agency – No Objection.

- 8.2.1 We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any severe impact upon the Strategic Road Network (SRN).

8.3 Local Flood Authority – No Objection.

- 8.3.1 Do not object to the granting of planning permission subject to the condition that all surface water drainage provision shall comply with the design for the approved scheme except as necessary to accommodate the amended layout of housing units.

- 9. Great Dunmow Town Council Comments – No comments received**
- 10. CONSULTEE RESPONSES**
- 10.2 UDC Environmental Health – No Objection.**
- 10.2.1** No objection in principle, subject to conditions.
- 10.3 UDC Landscape Officer/Arborist**
- 10.3.1** No comments received.
- 10.4 Place Services (Ecology) – Holding Objection**
- 10.4.1** Due to insufficient ecological information – Out of date report.
- 10.5 Aerodrome Safeguarding – No Objection.**
- 10.5.1** No aerodrome safeguarding objections to the proposal subject to conditions.
- 10.6 NATS – No Objection.**
- 10.6.1** The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.
- 10.7.1 Comments UDC Housing Enabling Officer – Objection**
- 10.7.2** This proposal raises concerns and I therefore object to the application for the following reasons:
1. Total segregation of the affordable housing from the market housing in a single cluster of 28 properties.
 2. On site delivery of the affordable homes directly by the developer is expected and is the norm for a site totalling 118 properties and there is no valid reason to make an exception in this case.
 3. The mix of the proposed 28 affordable homes upon the land for transfer to a Registered Provider does not correspond with the identified affordable housing need in the SHMA 2017.
- The affordable housing provision previously approved for the site via application UTT/13/1663/DFO consisted of three separate clusters of affordable housing including a cluster with lower density semi-detached properties with in-curtilage parking provision. The three separate clusters when considered together provided a good mix of affordable properties which met the identified housing need at the time.

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

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

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

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

11. REPRESENTATIONS

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

- 48 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 0 Comments 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:
 - (a) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.
- 12.4 The Development Plan**
- 12.5** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great & Little Chesterford Neighbourhood (made Feb 2023)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021)

13.3 Uttlesford Local Plan 2005

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy

ENV5 – Protection of Agricultural Land

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing development

H9 – Affordable Housing

H10 – Housing Mix

13.4 Great Dunmow Neighbourhood Plan

Policy DS1: TDA: Town development Limits

Policy DS8: Building for Life

Policy DS9: Hedgerows

Policy DS10: Eaves Height

Policy DS11: Rendering, Pargeting and Roofing

Policy DS12: Integration of Affordable Housing

Policy DS13: Local Housing Needs

Policy LSC1: Landscape, Setting and Character

Policy GA-A: Public Transport

Policy GA2: Integrating Developments (Paths and Ways)

Policy GA3: Public Transport

Position: HEI-A: Infrastructure Delivery

Policy NE1: Identified Woodland Sites

Policy NE2: Wildlife Corridors

Policy NE3: Street Trees on Development Sites

Policy NE4: Screening

Policy S0S3: Children's Play Space

13.5 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Background**
 - B) Principle of Development**
 - C) Design & Neighbouring Amenity**
 - D) Affordable Housing**
 - E) Access and Parking**
 - F) Nature Conservation & Trees**
 - G) Climate Change**
 - H) Contamination**
 - I) Flooding**
 - J) Air Quality**
 - K) Planning Obligations**

14.3 A) Background

14.3.1 As noted above, it is pointed out that the proposed development follows a previously approved scheme relating to for the construction of up to 125 No. dwellings approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO. The works regarding this application have commenced, with a number of units completed and occupied. The changes made as part of this application are as follows:

14.3.2 Parcel A: This originally comprised 8 dwellings, 2 of which were allocated for affordable units, (Plots 17 & 16) with 6 open market dwellings. The make-up of this parcel would still include 8 dwellings; however, it would now comprise 2 x social/affordable rented dwellings (Plots 16 & 17) amended to bungalow units, 3 x shared ownership dwellings (Plots 9-11) and 3 x 4-bedroom open market dwellings (Plots 6-8). There would be alterations to the layout of the road with layout and design of Plots 6-11 being altered.

14.3.3 Parcel B: This originally comprised 20 dwellings, 18 of which were allocated for affordable units (Plots 39-56), with 2 open market dwellings (Plots 38 & 57). The make-up of this parcel would be reduced by 3 units to 17 dwellings, all for open market, comprising 16x3 bedroom dwellings and 1x5 bedroom dwelling. This would involve alterations to the layout of the dwellings and the road.

14.3.4 Parcel C: This originally comprised 7 dwellings, all of which were allocated for affordable units (Plots 73-79), including 1 detached dwelling, a pair of semi-detached dwellings and an apartment block of 4 dwellings. The make-up of this parcel would now include only 3 open market dwellings comprising 2x5 bedroom dwellings and 1x3 bedroom dwellings. A reduction of 4 units.

14.3.5 Overall, the proposed amendments would result in a reduction of the number of units across the site by 7 dwellings. The affordable housing units would be removed from Parcels B & C, with an increase of 3 affordable housing units within Parcel A.

14.4 B) Principle of development

Housing Delivery & Extant Permission

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

14.4.2 Policy DS13 – Local Housing Needs of the Great Dunmow Neighbourhood Plan highlights that residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom including bungalows which accommodate the needs of the elderly.

14.4.3 The principle of residential development on the site has already been established by reason of the granting of outline planning permission UTT/2507/11/OP and details approved under UTT/13/1663/DFO. The works regarding the scheme have commenced with 14 units complete and occupied, with a number of units partially completed. As such, this is an extant permission and a material consideration.

14.4.4 One of the material considerations weighing in favour of granting the original permission, amongst others, was that the proposal involved the provision of affordable housing in compliance with the Council’s Local Plan Policy H9 requirement of 40%. This was a public benefit of the scheme that helped to justify harm caused by the development by being outside development limits (Policy S7 of the Local Plan). Other benefits of the development included the completion of the North-West By-pass (B184) and that the proposal would make a substantial addition to the district’s housing land supply and the provision of public open space.

14.4.5 The applicants submits that the current proposal, including the provision of 40% affordable units is not viable. As such, the material fall-back position of the extant scheme is given reduced weight.

Development Limits

- 14.4.6** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 14.4.7** The application site is located outside of the development limits and in the countryside. Uttlesford Local Plan policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 14.4.8** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.4.9** A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. As part of the original application, it was considered that the proposal would be contrary to this policy, and this is still considered to be the case.

Policy Position

- 14.4.10** As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.4.11** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.4.12** The introduction of built form in this location would result in some harm to the openness and character of the rural area and therefore would be contrary to the aims of policy S7. However, this was considered as part of the original permission and the material considerations of the provision of

the northwest bypass, affordable housing provision, supply of housing and public open space was considered to outweigh the harm caused.

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

14.5 C) Design & Neighbouring Amenity

Design

- 14.5.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.5.2** The proposed physical alterations would be relatively minor in relation to the extant scheme. The number of dwellings would be reduced, lessening the visual impact of the development when compared to the extant scheme. The proposed dwellings would be up to 2 and ½ storeys, as per the extant permission and would be of similar design, materials and proportions to that of the approved development.
- 14.5.3** As noted, as part of the assessment of the reserved matters application UTT/13/1663/DFO, the proposed *'two and a half storey buildings would be taller than the two-storey dwellings however the difference in height would not be so materially different that the higher properties would be particularly prominent. The visual prominence would be further reduced as a result of the proposed landscaping and as such the two and a half storey properties are acceptable.'*
- 14.5.4** The proposed changes to the layout would take place within the internal parts of the approved development site area and would not result in the development increasing in scale in terms of site area over and above that of the extant scheme. The proposed materials would be as per the approved materials approved as part of the conditions relating to the original development and the proposal would also include the same level of public open space as the extant scheme.

- 14.5.5** In general terms, the proposed changes to the scheme in physical terms would be relatively minor and the proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005, and Policy DS11 of the Great Dunmow Neighbourhood Plan.

Neighbouring Amenity

- 14.5.6** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.5.7** The proposed garden areas for the dwellings and communal areas for the flats meet the standards set out in the Essex Design Guide for residential amenity. In addition, the distances proposed between the dwellings and orientation and layout of the proposed dwellings would prevent any materially detrimental overlooking or loss of privacy from occurring within the development.
- 14.5.8** Given the generous spacings between the proposed buildings within the development to that of the closest neighbouring residential developments and the restrictions on potential noise emanating from the site by conditions, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

14.6 D) Affordable Housing Mix and Tenure

Affordable Housing

- 14.6.1** 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. 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.
- 14.6.2** 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 the site would attract the 40% policy requirement as the site as the original application was for 125 residential units. This amounted to 50 affordable housing properties.
- 14.6.3** As part of this application, the proposed changes would result in a reduction of the overall number of dwellings as part of the extant

permission from 125 to 118 and therefore a policy compliant provision of 40% would amount to 47 affordable units.

- 14.6.4** In March 2021, the applicant submitted an application for a Deed of Variation to UTT/21/1249/DOV to remove the requirement to provide any Affordable Housing contributions as part of the development. Submitted in support of that application, a Financial Viability Assessment (FVA) carried out by BNP Paribas concluded in its viability appraisal that the scheme could not viably contribute towards the provision of any affordable housing. In response to this, the FVA was independently assessed by Essex County Council District Valuer Services, which found that a scheme of 60% private housing and 40% Affordable Housing could viably be provided.
- 14.6.5** Given the significant divergence between the two appraisals, officers commissioned a third party, independent Financial Viability Assessment by Altair Consultancy and Advisory Services Ltd, who reviewed the submitted viability assessment by the applicant and Essex County Councils subsequent review. This concluded that the scheme could viably provide a contribution towards affordable housing comprising 30 homes based on 18 homes for affordable rent and 12 homes for shared ownership equating to a 24% provision on site plus a £46,000 financial contribution to affordable housing.
- 14.6.6** The applicant has submitted to vary the S106 to base the Affordable Housing provision on the conclusions arrived at by Altair (as set out above). However, this would now involve a reduction of the number of units across the site from 125 to 118. Therefore a 24% on-site provision would equate to 28 affordable units, as opposed to 30 as highlighted by the Altair assessment.
- 14.6.7** Whilst the proposal would result in a reduction of the number of affordable housing units on the site from that approved, this has been shown to be unviable at 40%. The reduced provision to 24%, plus a £46,000 financial contribution to affordable housing is regrettable, however, this would still contribute towards the creation of a mixed and balanced community in this area and would represent a significant public benefit that would weigh in favour of the proposed development.

Location of Affordable Housing Units

- 14.6.8** The Affordable Housing units would be located to the western part of the site, in a cluster of 28 units. Whilst this would result in a total segregation of the affordable housing from the market housing in a single cluster. This would only represent an increase of 3 affordable housing units being added to an already approved cluster of 25 units, as per the extant permission.
- 14.6.9** As part of the assessment for the reserved matters application under reference UTT/13/1663/DFO, it was noted that *the S106 agreement*

attached to the outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing should be in groups of no more than 25 units. Although the Council would normally seek groups of no more than 10 units, the larger groupings have already been agreed for this site and it is not possible to insist on smaller groupings. Notwithstanding this, the applicant has revised the originally proposed layout and split the affordable housing into three groups of 25, 18 and 7 units. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.'

- 14.6.10** Whilst the proposal would not be considered compliant when reviewed against current policy guidance in terms of what forms part of good design principles, given the approved layout of the affordable housing within the extant scheme and the issues raised surrounding the viability of providing a compliant level of affordable housing on the site, the increase in 3 additional affordable housing units to an agreed cluster of 25 units would not warrant refusal of the application.

Housing Mix

- 14.6.11** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. Policy DS13 of the Great Dunmow Neighbourhood Plan states that at least 5% of dwellings on all schemes of over 20 units should be 1 or 2 bedroom dwellings suitable for the elderly.

- 14.6.12** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. The proposal would now include 2 bungalow dwellings, as opposed to none as part of the extant scheme. This element of the proposal is supported by the Council's Housing Enabling Officer.

- 14.6.13** It is noted that as part of the reserved matters application that it was considered that in relation to small 2 and 3 bedroom market dwellings the *'proposal does not meet this requirement however since the original submission of the application, the applicant has increased the number of 3 bedroom market dwellings proposed and has provided justification for the lack of 2 bedroom dwellings and further 3 bedroom dwellings.'* This was considered acceptable given the higher financial cost on the development from the associated contributions, including the completion of the northwest bypass and considered acceptable in that instance.

- 14.6.14** In terms of the mix of affordable housing units as part of the extant scheme are as follows:

Total bedrooms	No of units	% Split
4 bedroom	1	2.00

3 bedroom	14	28.0
2 bedroom	26	52.00
1 bedroom	9	18.00
Totals	50	100.0

14.6.15 The mix of affordable housing units as part of the proposed changes would be as follows:

Total bedrooms	No of units	% Split
3 bedroom	3	10.7
2 bedroom	18	64.3
1 bedroom (incl 2no bungalows)	7	25.0
Totals	28	100.0

14.6.16 With regards to the market housing, the extant permission proposed the following mix of units:

Total bedrooms	No of units	% Split
3 bedroom	19	25.3
4 bedroom	38	50.7
5 bedroom	18	24.0
Totals	75	100.0

The proposed changes would result in the mix of market housing units being as follows:

Total bedrooms	No of units	% Split
3 bedroom	32	35.6
4 bedroom	38	42.2
5 bedroom	20	22.2
Totals	90	100.0

14.6.17 It is noted that the Council's Housing Officer has objected to the proposed changes more 3-bedroom houses need to be included within the proposed affordable housing mix. However, the Great Dunmow Neighbourhood Plan highlights that *'in terms of affordable housing there is a need for 91% of the affordable housing to be 3 bedrooms or fewer and 53% of the affordable housing to be 2 bedrooms or fewer.'* This highlights that there is a significant need for smaller units. Whilst more 3 bedroom units would be desirable, given the issues raised surrounding the viability of the development and that the scheme generally consists of a range of unit sizes, the proposed mix is considered acceptable in this circumstance.

14.6.18 As such, in this circumstance, given the consideration that needs to be given to the extant permission, the mix of units and proposed contribution

to affordable housing is considered acceptable and in accordance with policies H9 of the Local Plan & DS12 & DS13 of the Great Dunmow Neighbourhood Plan.

14.7 E) Access and Parking

Access

- 14.7.1** 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.
- 14.7.2** Policy GEN8 also states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance “Vehicle Parking Standards”. This states a maximum of 1 space per 35m². Moreover, the ECC also provides maximum vehicle parking standards in relation to office use development, of 1 space per 30m².
- 14.7.3** The proposed changes to the scheme would not result in any amendments to the proposed access to the site. Given that the proposal would result in a reduction in the number of units on the site from the extant permission, it would likely result in a reduction of the trips / movement of vehicles to and from the site from that of the extant permission.
- 14.7.4** The ECC Highways Authority have been consulted as part of the application and have raised a few points that could be improved regarding the scheme. However, these are considered to be relatively minor elements that would not warrant refusal of the application. The proposal would also still be subject to Section 278 / 38 agreements.
- 14.7.5** Contributions that were included as part of the main application would continue to be secured as part of the changes via a deed of variation agreement that has been submitted alongside this application (UTT/22/1508/DOV).
- 14.7.6** Moreover, the National Highways Team have also been consulted as part of the application and have advised that, due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.
- 14.7.7** Overall, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the aforementioned policies, subject to conditions and a S106 agreement securing planning obligations.

14.8 F) Nature Conservation & Trees

Nature Conservation

- 14.8.1** 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.
- 14.8.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is adjacent to Fredericks Spring Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat.
- 14.8.3** The ECC Place Services Ecology Team have raised a holding objection to the proposed development on the basis that the submitted ecological information is out of date. However, the extant permission was considered to be acceptable in terms of impact upon ecological assets. Given the relatively minor physical changes as part of the current proposal, it is not considered that the scheme would give rise to any issues in terms of its impact upon ecological assets over and above that of the approved development that could be built out without the need for any update habitat surveys. As such, the Local Planning Authority would have reasonable grounds to refuse the application on this basis.
- 14.8.4** Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8.

14.9 G) Climate Change

- 14.9.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.
- 14.9.2** The proposed changes would not significantly alter the scheme from that of the extant permission in terms of energy and sustainability matters. The proposed dwellings would be required to comply with modern day building regulations.
- 14.9.3** The Council's Environmental Health Team have requested the inclusion of a condition relating to the installation of electric vehicle charging facilities and this is to be included by way of condition.

14.9.4 Overall, given the extant permission, the scheme would be consistent with the Councils Interim Climate Change policy and its Energy & Sustainability strategies are therefore supported, subject to conditions.

14.10 H) Contamination

14.10.1 Policy ENV14 of the Local Plan states that any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.

14.10.2 As part of the original permission for the site, a condition (16) was attached in relation to contamination, that *if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.* There is no reason for the LPA to consider the site being contaminated over and above that of the assessment made as part of the original application, and the aforementioned condition would be retained as part of this application.

14.10.3 Therefore, the application is considered acceptable in terms of its land contamination risks and in accordance with the aforementioned policies.

14.11 I) Flooding

14.11.1 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.

14.11.2 The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

14.11.3 New major developments need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.11.4 Essex County Council who are the lead local flooding authority have been consulted as part of the application and consider the proposal acceptable, subject to the implementation of the drainage measures agreed as part of the previously approved application at the site. These measures are to be secured by way of condition.

14.11.5 The proposals, for this reason is therefore considered to comply with policy GEN3 of the adopted Local Plan and the NPPF.

14.12 J) Air Quality

14.12.1 The site is not located within a poor air quality zone. However, an air quality assessment has been provided. The Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard. Given the extant permission, it is not considered that the proposed changes would give rise to any concerns in terms of air quality, over and above that of the approved development relating to the site.

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

14.13 K) Planning Obligations

14.13.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- Completion of the northwest bypass
- Provision of Travel Information and Marketing Scheme for sustainable transport
- Provision of Public Transport contribution of £50,000
- Provision and maintenance of public open space
- Payment of contributions towards education provision
- Payment of financial contribution of 225,000 to be used by Helena Romanes School for bus turning/ bus parking and/ or playing fields enhancement
- Provision of affordable housing
- Payment of Council's reasonable costs

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.5 Human Rights

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

16 Planning Balance and Conclusion

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

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

16.3 In respect to addressing the benefits of the development, the proposal would facilitate the completion of 118 new homes including 28 much needed affordable homes. Consideration also needs to be given to the completion of the Northwest bypass which was facilitated as part of the originally approved development. The provision of public open space as part of the development would also represent a public benefit.

16.4 The development would provide economic and social benefits in terms of the construction of the development.

- 16.5** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have a minor adverse effect on both the landscape and visual amenity, but this would decrease once strategic planting has established.
- 16.6** The proposal would also cause harm through a failure to provide a policy compliant level affordable housing contribution. However, it has been found as part of reviews of Financial Viability Assessments that the development would be unviable if it were to provide an affordable housing contribution of 40% and therefore justified.
- 16.7** Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.8** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.9** It is therefore recommended that the application be approved subject to the suggested conditions

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Completion of the northwest bypass.
 - ii. Provision of Travel Information and Marketing Scheme for sustainable transport.
 - iii. Provision of Public Transport contribution of £50,000.
 - iv. Provision and maintenance of public open space.
 - v. Payment of contributions towards education provision.
 - vi. Payment of financial contribution of £225,000 to be used by Helena Romanes School for bus turning/ bus parking and/ or playing fields enhancement.
 - vii. Provision of affordable housing.
 - viii. Payment of Council's reasonable costs.

17.3 Conditions

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

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3 Unless expressly authorised by this permission, the development shall be carried out in accordance with the details of the Landscaping as part of planning consent reference UTT/13/2980/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

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).

- 4 The development shall be carried out in accordance with the details of the Bus Stop Infrastructure as part of planning consent reference UTT/13/3385/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

REASON: In the interests of the accessibility of the development in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 6** The development shall be carried out in accordance with the details of the Ecological & Mitigation Plan as part of planning consent reference UTT/13/0298/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7.

- 7** The development shall be carried out in accordance with the details of the Mitigation Strategy as part of planning consent reference UTT/13/0299/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 8** No removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect roosting birds which use the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 9** The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) with accompanying appendices prepared by D J Barton Associates Limited, reference MX/2007/100297/01-L01 dated 3 July 2007.

These include the following mitigation measures detailed within the FRA:

(i) Surface water shall be discharged from the site at a rate of 23.30 litres per second for the 1 in 1 year storm, and 57.56 litres per second for the 1 in 100 year storm, as detailed within section 5.0 of the submitted Flood Risk Assessment.

(ii) Storage shall be provided on-site to accommodate the 1 in 100 year storm, plus 30% to account for climate change, as detailed within the FRA and accompanying calculations/drawings.

(iii) Surface water storage shall be provided on-site through a storage attenuation area/pond, as indicated within the submitted FRA.

REASON: To accommodate storm events up to and including the 1 in 100 year storm event with climate change and to mimic the current discharge rates to ensure flood risk is not increased off site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 10** The development shall be carried out in accordance with the details of the External Materials as part of planning consent references UTT/13/1661/DOC, UTT/13/3249/DOC, UTT/18/0400/DOC & UTT/13/3306/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

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

- 11** The development shall be carried out in accordance with the plans and particulars approved as part of application UTT/13/1663/DFO relating to condition 1 of UTT/2507/11/OP and the details of the location and design of the refuse bin and recycling materials storage areas and collection points, unless otherwise agreed in writing by the Local Planning Authority.

The refuse storage and collection facilities shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 12** The development shall be carried out in accordance with the plans and particulars approved as part of application UTT/13/1663/DFO relating to condition 1 of UTT/2507/11/OP and accessibility statement/drawings. The details submitted shall set out measures to ensure that the dwellings are accessible to all sectors of the community. The dwellings shall be designed as "Lifetime Homes" and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 13** The development shall be carried out in accordance with the plans and particulars approved as part of application UTT/13/1663/DFO relating to condition 1 of UTT/2507/11/OP and the scheme for water efficiency within the development. The scheme shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainable development and prudent use of natural resources in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 14** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters and in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 15** The development shall be carried out in accordance with the details of the Highways Works as part of planning consent references UTT/13/1741/DOC & UTT/17/2252/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16** The development shall be carried out in accordance with the details of the Parking Provision as part of planning consent reference UTT/13/1742/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17** Surface water shall be discharged from the site at the calculated Greenfield runoff rates as detailed within the submitted Flood Risk Assessment as part of application UTT/2507/11/OP.

REASON: To ensure that flood risk on and off-site will not be increased as a result of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 18** Surface water storage shall be provided on site within a dry storage area to accommodate the 1 in 100 year storm, inclusive of climate change.

REASON: To ensure that flood risk on and off-site will not be increased as a result of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 19** The development shall be carried out in accordance with the details of the Maintenance Schedule as part of planning consent reference UTT/13/1743/DOC, unless otherwise agreed in writing by the Local Planning Authority.

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

REASON: To ensure that the scheme will be maintained at its design standard in perpetuity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 20** Prior to the commencement of development other than the highway works as referred to in the description of development, the small spur on the B184 roundabout between B184 south of roundabout and the spur for the North West Bypass shall be permanently closed.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21** The development shall be carried out in accordance with the details of the Ecological & Mitigation Plan as part of planning consent reference UTT/13/0300/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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

REASON: In the interests of proper planning and ecological protection in accordance with policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

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

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

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

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

Appendix 1 – Internal / External / Statutory Consultee Responses

[External] UTT/22/2052/FUL Highway response 868



Katherine Wilkinson - Strategic Development Engineer <Katherine.Wilkinson@essex.gov.uk>
To Laurence Ackrill

You replied to this message on 17/11/2022 17:13.



Wed 02/11/2022 08:17

Hi Lawrence,

UTT/22/2052/FUL

Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow

Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO

I have the following comments:

1. The parcel B road is 100m long and so a traffic calming feature is required for it to be part of the proposed 20mph zone. The dark lines may indicated traffic calming but it is not clear as there is no key. On a shared surface cushions may be used but not road humps.
2. The visibility splays to the access road should be shown (2.4 by 43m). All vegetation should be planted 1m clear of the visibility splays.
3. In Parcel B there are 17 dwellings but only 2 visitor parking space, rather than 4 as required in the Essex Parking standards. Although Parcel B has more than required a better distribution of spaces would help ensure inappropriate parking does not take on the shared surface in plot B

Could you ask the developer to address this on the drawings.

Kind regards

Katherine

Katherine Wilkinson | Strategic Development Engineer
Strategic Development



SAFER GREENER HEALTHIER

T: 07921397535
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W: www.essex.aov.uk/highways



31st October 2022

Laurence Ackrill
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: UTT/22/2052/FUL

Location: Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow

Proposal: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) – revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO

Dear Laurence,

Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information – Out of date report

Summary

We have assessed the Essex Biodiversity Validation Checklist (SES, August 2022), Extended Phase 1 Habitat Survey (Landscape Planning, November 2008) and Bat Survey Report (Landscape Planning, August 2009) submitted by the applicant, relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are not satisfied that there is sufficient ecological information available for determination. This is because the Extended Phase 1 Habitat Survey (Landscape Planning, November 2008) and Bat Survey Report (Landscape Planning, August 2009) are out of date to support this application, in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. This is because the ecological assessment was undertaken in

¹ CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>



November 2008 and the bat survey was undertaken in August 2009 meaning this data is at least 13 years old. CIEEM recommend that if a report is over three years old, it is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated.

A recent Essex Biodiversity Validation Checklist has been submitted within this application (SES, August 2022) however, this is insufficient to support a new full application at the site. Step 1 of the Essex Biodiversity Validation Checklist states that a Preliminary Ecological Appraisal (PEA) of the application site must be completed alongside a biological records search to help inform whether further ecology assessment work is required.

In addition, the Essex Biodiversity Validation Checklist (SES, August 2022) states that there will be increased recreational impacts upon Hatfield Forest Site of Special Scientific Interest (SSSI)/ National Nature Reserve (NNR) as well as direct habitat loss and degradation to adjacent Priority habitat and Local Wildlife Sites (LoWS). Suggested mitigation within the Biodiversity Checklist (SES, August 2022) includes provision of semi natural open space, installation of protective fencing and best practice measures, however, the location of the semi natural open space is not apparent from the Site Layout plan, drawing no. 498 – P201 (Melville Dunbar Associates, April 2022). Mitigation to protect [REDACTED] Priority species has also not been included.

The Essex Biodiversity Validation Checklist (SES, August 2022) also recommends a financial contribution to Hatfield Forest SSSI strategy. Although the development site is situated within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest SSSI/NNR, as this application is less than 50 units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

It is recommended that an updated PEA is undertaken at the site. If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination, unless an exceptional circumstance is demonstrated (as defined by BS42020). This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

Therefore, this further information is required to provide the LPA with certainty of impacts on protected and Priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Please contact us with any queries.

Yours sincerely

Ella Gibbs ACIEEM BSc (Hons)
Senior Ecological Consultant
Place Services at Essex County Council
placeservicesecology@essex.gov.uk

Environmental Health Consultee Comments for Planning

Application Number: UTT/22/2052/FUL - Sector IV Woodlands Park Great Dunmow
Parsonage Downs Dunmow

Lead Consultee

Name: Andy Luck
Title: Senior EHO
Tel: x 540

Email: aluck@uttlesford.gov.uk

Date: 1st September 2022

Proposal: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.

Report prepared by Ross Jarvis – External Contractor

Comments

Thank you for consulting on this application. Further to investigations the following comments are made:

Contaminated Land

It is not clear whether contaminated land at the site has been considered at an earlier stage, but if not the risk from contaminated land must be assessed before development commences to ensure the site is suitable for the proposed use. The below condition is recommended:

The following works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of

underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Noise

1. Construction/Demolition Management Plan – Large Development

- i. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan, it must consider the following requirements:
 - The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
 - Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the *Assessment of Dust from Demolition and Construction – Institute of Air Quality Management* or an acceptable equivalent.
 - Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
 - Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).

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

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

Please note that where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that:

- Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018)(or 'WM3').

- Representative samples of soils must undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.

- Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency

- Prior to the commencement of work a method statement must be provided to the local authority for approval to prevent the pollution of ground and surface waters. This will also include during works and the location of any hazardous materials including fuel from vehicles and equipment.

2. Noise Mitigation Scheme

The proposed development is adjacent to the B184 which has the potential to adversely affect the noise environment for future users of the site. A noise assessment should be carried out to ensure that BS8233:2014 guideline values can be achieved or if mitigation is required. Recommended condition:

No dwelling shall be occupied until the internal and external areas of dwellings are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 23:00

Resting - Living room 35 dB L_{Aeq,16hour}

Dining - Dining room/area 40 dB L_{Aeq,16hour}

Sleeping/Daytime Resting - Bedroom 35 dB L_{Aeq,16hour}

23:00 to 07:00

Sleeping/Night-time Bedroom 35 dB L_{Aeq,8hour}

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

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

Noise from the system will not present an adverse impact on occupants

The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions

The alternative means of ventilation shall be maintained thereafter.

Reason: To ensure that future occupiers of the residential dwellings enjoy a reasonable internal and external acoustic environment.

External Lighting

In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spillover light, or glare. The following condition is therefore recommended to secure this:

Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

Air Quality

Electric Vehicle Charge Points

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

A condition requiring charging points for electric vehicles is requested.

Suggested Informative

Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

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



Laurence Ackrill
Uttlesford District Council
Planning Services

Date: 25th August 2022
Our Ref: SUDS-00006187
Your Ref: UTT/22/2052/FUL

Dear Sir,

Consultation Response –UTT/22/2052/FUL – Sector IV Woodlands Park, Great Dunmow

Thank you for your email received on 05/08/22 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

- All surface water drainage provision shall comply with the design for the approved scheme except as necessary to accommodate the amended layout of housing units.

We also have the following advisory comments:

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

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance

requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

Yours faithfully,

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

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

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

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

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

- Sustainability of the development

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



Uttlesford District Council
London Rd
Saffron Walden
Essex
CB11 4ER

Date: 8 December 2022

Your ref: UTT/22/2052/FUL

Our ref: PL/29/2022

Please ask for Peter Lock
email: plock@uttlesford.gov.uk

Dear Planning team,

Re: Sector 4, Woodlands Park, Dunmow: UTT/22/2052/FUL

I am providing a revised consultation response following the applicant clarifying that they are seeking approval to dispose of the land for the affordable housing provision to a Registered Provider for the sum of £1 rather than delivering any on-site affordable housing provision themselves. All 28 affordable homes would therefore have to be constructed by the Registered Provider upon the land transferred to them for £1.

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

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

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

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

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

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Lock', written over a faint rectangular stamp or box.

Peter Lock (FCIH)
Housing strategy, Enabling & Development Officer



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

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

To: Uttlesford District Council FAO, Laurence Ackrill

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

Council's Reference: UTT/22/2052/FUL **National Highways Ref:** 95751

Location: Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow.

Proposal: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.

Referring to the consultation on a planning application dated 05 August 2022, referenced above, in the vicinity of the A120, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

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

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

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

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

Signature: S. H.	Date: 22 August 2022
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

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

We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any severe impact upon the Strategic Road Network (SRN).

Consequently, National Highways offer No Comment to this application.

STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002					
Planning Authority:	Uttlesford District Council			Application No: UTT/22/2052/FUL	
Date Application Received (including sufficient information as required by Circular 1/03):	05/08/2022	Response Deadline on Consultation	26/08/2022	Date Response Returned:	18/08/2022
Development Proposal:	Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.				
Location:	Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow			Application Type: FULL	
OS Co-ordinates (Eastings/Northings):	562059 / 223581				
Our Reference:	2022/188				
No Objection	Crane Advisory Permit Required	Need to engage with MAG Safeguarding	Request Conditions	Objection	
	X		X		
<p>The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to the following Conditions:</p> <ul style="list-style-type: none"> • During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. The drainage scheme includes a dry attenuation pond designed to accommodate a 1 in 100 year storm event. This pond must be maintained as a dry area with assurances given by the developer that this will be the case. No additional pools or ponds of water should occur/be created without permission. Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN. • Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill. Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport. <p>Cont.</p>					

Informatives:

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

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Signed: Diane Jackson
Date: 18/08/2022

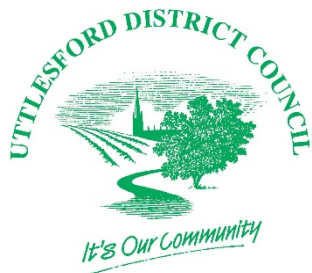


(Authorised MAG Aerodrome Safeguarding Officer)

The appropriate office for consultation is:
aerodrome_safeguarding@stanstedairport.com

Enterprise House
Bassingbourn Road
Essex
CM24 1QW





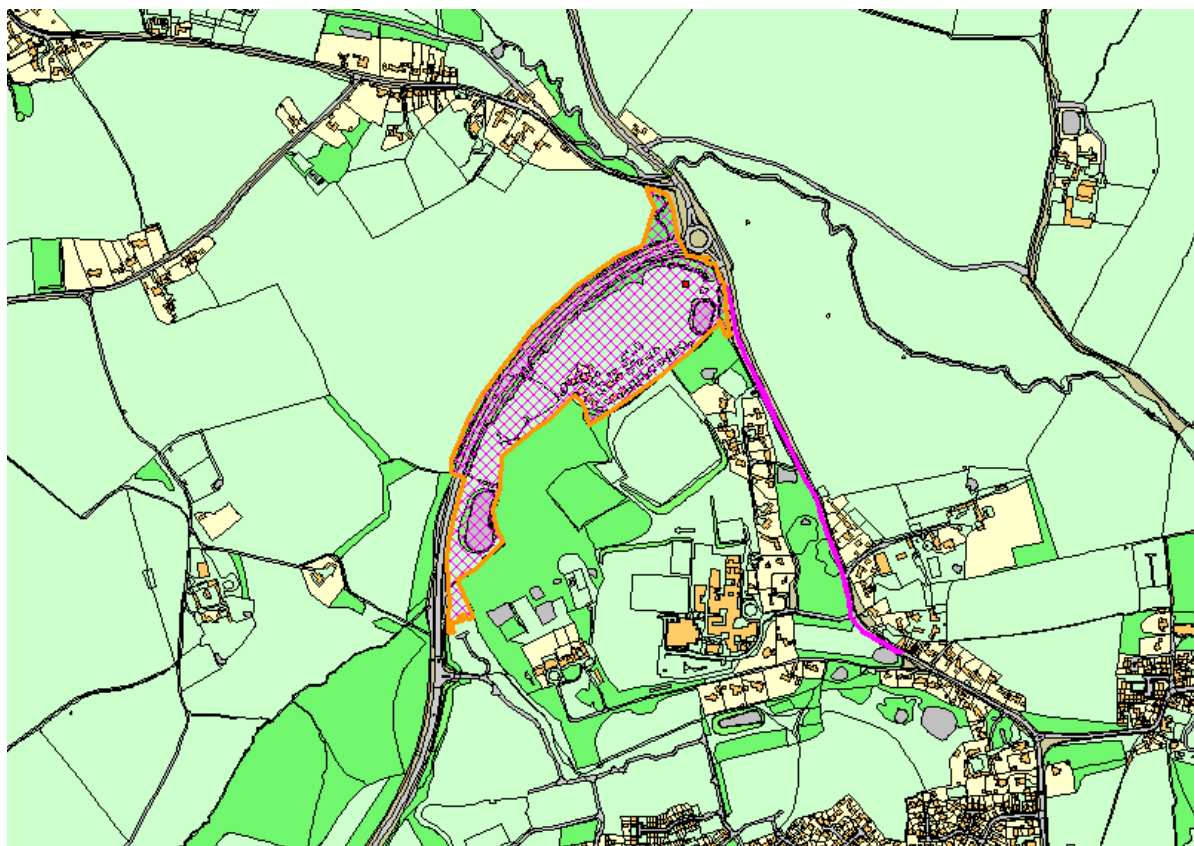
ITEM NUMBER: 4

PLANNING COMMITTEE DATE: 22 February 2023

REFERENCE NUMBER: UTT/22/1508/DOV

LOCATION: Sector 4, Woodlands Park, Great Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

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

APPLICANT: Mr Stephen Hammond – Wickford Development Company Limited

AGENT: Mr M Harman

EXPIRY DATE: 22/07/2022

EOT Expiry Date: TBA

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits; site within 2KM of SSSI; Tree Preservation Order; within 250m of Ancient Woodland (Fredericks Spring) & within 250m of County Wildlife Site.

REASON THIS APPLICATION IS ON THE AGENDA: Deed of Variation to a Legal Agreement of a Major Planning Application - UTT/2507/11/OP.

1. EXECUTIVE SUMMARY

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

- 1.4 Previous Financial Viability Reviews of the site have arrived at various conclusions with regards to the extent to which Affordable Housing could be provided as part of the development.
- 1.5 This report concludes that the proposed variations/amendments to the Legal Agreement attached to the outline permission are appropriate and that the variations/amendments are recommended for approval.
- 1.6 The application was deferred at the Planning Committee meeting on 23rd of November 2022 to explore the specifics of the delivery of the affordable housing and to allow the S106 to be revisited. The applicant has subsequently included a covenant clause to the extent that would prevent the occupation of more than 65 Open Market Housing Units until - the Affordable Housing Land has been transferred to an Approved Body and the construction of the Affordable Housing Units has been commenced.
- 1.7 The application was again deferred at the Planning Committee meeting on the 11th of January 2023. This time to allow for the alterations to the development as part of the full planning application UTT/22/2052/FUL to be reviewed concurrently with the changes as part of the Deed of Variation.
- 1.8 As such, the proposal remains unchanged following the deferral of the application from the 11th of January Planning Committee.

2. RECOMMENDATION

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

3. SITE LOCATION AND DESCRIPTION:

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

4. PROPOSAL

4.1 This deed of variation application seeks agreement to make revisions/amendments to the Section 106 Legal Agreement that was attached to the outline planning permission reference UTT/2507/11/OP. The main revisions are outlined as per below:

- 4.2**
- To reduce the Affordable Housing requirement from 40% to 23.7%.
 - To dispose of the land required for the Affordable Housing to a registered provider for £1 rather than constructing all the homes and selling them to an RP.
 - To pay an off-site contribution of £46,000 towards the provision of Affordable Housing

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1 UTT/2507/11/OP - Demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow Northwest By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right-hand turn lane). Removal of existing spur from roundabout - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 02/08/2012.

6.2 UTT/13/1663/DFO - Details following outline application UTT/2507/11 for demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow North West By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane). Removal of existing spur from roundabout - Details of appearance, landscaping, layout and scale - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 25/06/2013.

- 6.3** UTT/21/1249/DOV - Request to vary 106 agreements dated 2nd August 2012 between Uttlesford District Council and Wickford Development Company Ltd and Barclays Bank PLC and 14th May 2014 between Uttlesford District Council and Wickford Development Company Limited. Relating to provision of affordable housing and public transport contribution - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Received: 25/03/2021 - Not yet determined.
- 6.4** UTT/22/2052/FUL - Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO. - Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow – Received: 21/07/2022 – Not yet determined.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

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

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

- 8.1** None

9. CONSULTEE RESPONSES

9.1 Updated Comments UDC Housing Enabling Officer – Objection.

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

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

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

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

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

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

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

10. REPRESENTATIONS

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

11. MATERIAL CONSIDERATIONS

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

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

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

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

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

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

(c) any other material considerations.

11.3 The Development Plan

11.4 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great & Little Chesterford Neighbourhood (made Feb 2023)

12. POLICY

12.1 National Policies

12.2 National Planning Policy Framework (2021)

12.3 Uttlesford District Plan 2005

H9 – Affordable Housing

GEN6 –Infrastructure Provision to Support Development

12.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)

Supplementary Planning Document- Accessible homes and play space homes Essex Design Guide

Uttlesford Interim Climate Change Policy (2021)

13. CONSIDERATIONS AND ASSESSMENT

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

submitted viability assessment by the applicant and Essex County Councils subsequent review. This concluded that the scheme could viably provide a contribution towards affordable housing comprising of 30 homes based on 18 homes for affordable rent and 12 homes for shared ownership equating to a 24% provision on site plus a £46,000 financial contribution to affordable housing.

- 13.7** The applicant has submitted to vary the S106 to base the Affordable Housing provision on the conclusions arrived at by Altair (as set out above). However, this would now involve a reduction of the number of units across the site from 125 to 118. Therefore a 24% on-site provision would equate to 28 affordable units, as opposed to 30 as highlighted by the Altair assessment.
- 13.8** As such, as part of this proposal, the number of 'affordable housing units' on the site would be reduced from 50 to 28 and the land required to provide the Affordable Housing units (approximately 0.6 hectares) would be conveyed to a registered provider for the sum of £1 (essentially at no cost). The registered provider would be responsible for building the units acting as the developer. The registered provider would have full control over construction costs and is able to extract any potential developer's profit should there be one.
- 13.9** Furthermore, the number of overall dwellings on the site is to be reduced by 7, which the applicant advises results in improved viability. This may seem counter-intuitive, but the applicant advises it allows for a better overall configuration in terms of being able to provide the affordable housing land.
- 13.10** In addition to this, the applicant has offered an off-site contribution of £46,000. This contribution would be pooled to contribute towards the provision of social rented homes within Uttlesford.
- 13.11** The ECC Principal Development & Viability Officer has reviewed the submitted detail and considers that, in light of the current economy and the ongoing effects on the industry which has resulted in extremely fine margins and increased lending criteria (rates & risk), they would support the counter offer the applicant has made and agree with Altair's assumptions that this is a fair offer.
- 13.12** The variations to the original Section 106 Legal Agreement as discussed above are considered acceptable in this case in that it would facilitate the provision of affordable housing, albeit below the local plan target of 40%, which is regrettable. However, when considering an affordable housing target individual site viability is also a consideration. The weight to be given to a viability assessment is a matter for the decision maker. In this case officers give significant weight to the latest FVA and consider the 24% AH (achieved by offering land) plus £46,000 is the maximum affordable housing possible while retaining development viability. Accepting the conclusions as set out by the latest appraisal, 40%

affordable housing provision at the site would render the development unviable.

Location of Affordable Housing Units

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

14. ADDITIONAL DUTIES

14.1 Public Sector Equalities Duties

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

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

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

14.5 Human Rights

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

15. Conclusion


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

Appendix 1 – Internal / External / Statutory Consultee Reponses

[External] RE: UTT/22/1508/DOV - Sector 4 Woodlands Park Great Dunmow



James Pinnock - Principal Development and Viability Officer

To  Laurence Ackrill



Tue 08/11/2022 10:12

Good morning Laurence,

Thank you for your time this morning,

As discussed having reviewed the previous work and in light of the current economy and the ongoing effects on the industry which has resulted in extremely fine margins and increased lending criteria (rates & risk) I would support the counter offer the applicant has made and agree with Altair's assumptions that this is fair.

Kindest regards

James Pinnock
Principal Development & Viability Officer
Planning Service
Place and Public Health

Essex County Council
Email:  | www.essex.gov.uk
Essex County Council, County Hall, Chelmsford, Essex, CM1 1QH



Uttlesford District Council
 London Rd
 Saffron Walden
 Essex
 CB11 4ER

Date: 12 December 2022

Your ref: UTT/22/1508/DOV

Our ref: PL/29/2022

Please ask for Peter Lock
 email: plock@uttlesford.gov.uk

Dear Planning team,

Re: Sector 4, Woodlands Park, Dunmow: UTT/22/1508/DOV

I am providing a revised consultation response following the applicant clarifying that they are seeking approval to dispose of the land for the affordable housing provision to a Registered Provider for the sum of £1 rather than delivering any on-site affordable housing provision themselves. All 28 affordable homes would therefore have to be constructed by the Registered Provider upon the land transferred to them for £1.

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

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

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

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

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Total	100%	Total	28	100%

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Lock', with a stylized flourish at the end.

Peter Lock (FCIH)
Housing strategy, Enabling & Development Officer

Myriad House
33 Springfield Lyons Approach
Chelmsford, Essex, CM2 5LB

T 0300 555 0500
E enquiries@chp.org.uk
W chp.org.uk



Creating homes
shaping places

Our Ref: Woodlands Meadow – Sector 4
Direct Line [REDACTED]
Email: [REDACTED]
Date: 2 December 2022

Mr D Hermitage
Director of Planning
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

BY EMAIL ONLY

Dear Mr Hermitage

Re Affordable Housing Land at Woodland Park Sector 4, Gt Dunmow

I am writing to confirm CHP Ltd interest in acquiring the affordable housing land at Woodlands Park, Sector 4. CHP has been discussing the acquisition of the land with Wickford Development Company and subject to Board approval, would agree to purchase the land for £1.

It would be CHP's responsibility as land owners to secure a contractor to build the affordable homes required on the development. We have undertaken some initial scheme feasibility and are confident that we will be able to successfully negotiate a build contract. Due to their previous involvement with the development and to ensure continuity of build quality our preference would be for EJ Taylor and Sons Ltd to be the contractor.

Uttlesford is one of CHP's core development areas and we already have almost 500 affordable homes in the District. The range of house types proposed at Woodlands Park, will help meet the varied housing needs of the district. The proposed layout is thoughtful and well designed and will assist in the effect management of the homes and will enable service charges to be kept to a minimum. CHP manages the affordable housing on schemes of varying sizes, from development where only a few homes are required to be affordable to schemes where over 100 homes are required. Earlier this year we completed a development in Braintree for 74 homes, all of which were affordable, providing a mixture of flats and house for rent and shared ownership.

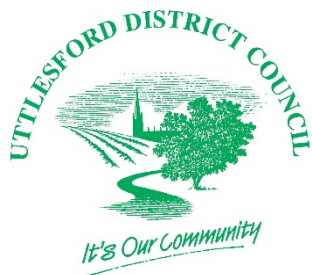
The acquisition of these homes is in line with CHP's Growth Strategy and Corporate Objective to provide 'More Great New Homes'.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Shackleton'.

Helen Shackleton
Head of Growth

cc. Mr L Ackrill



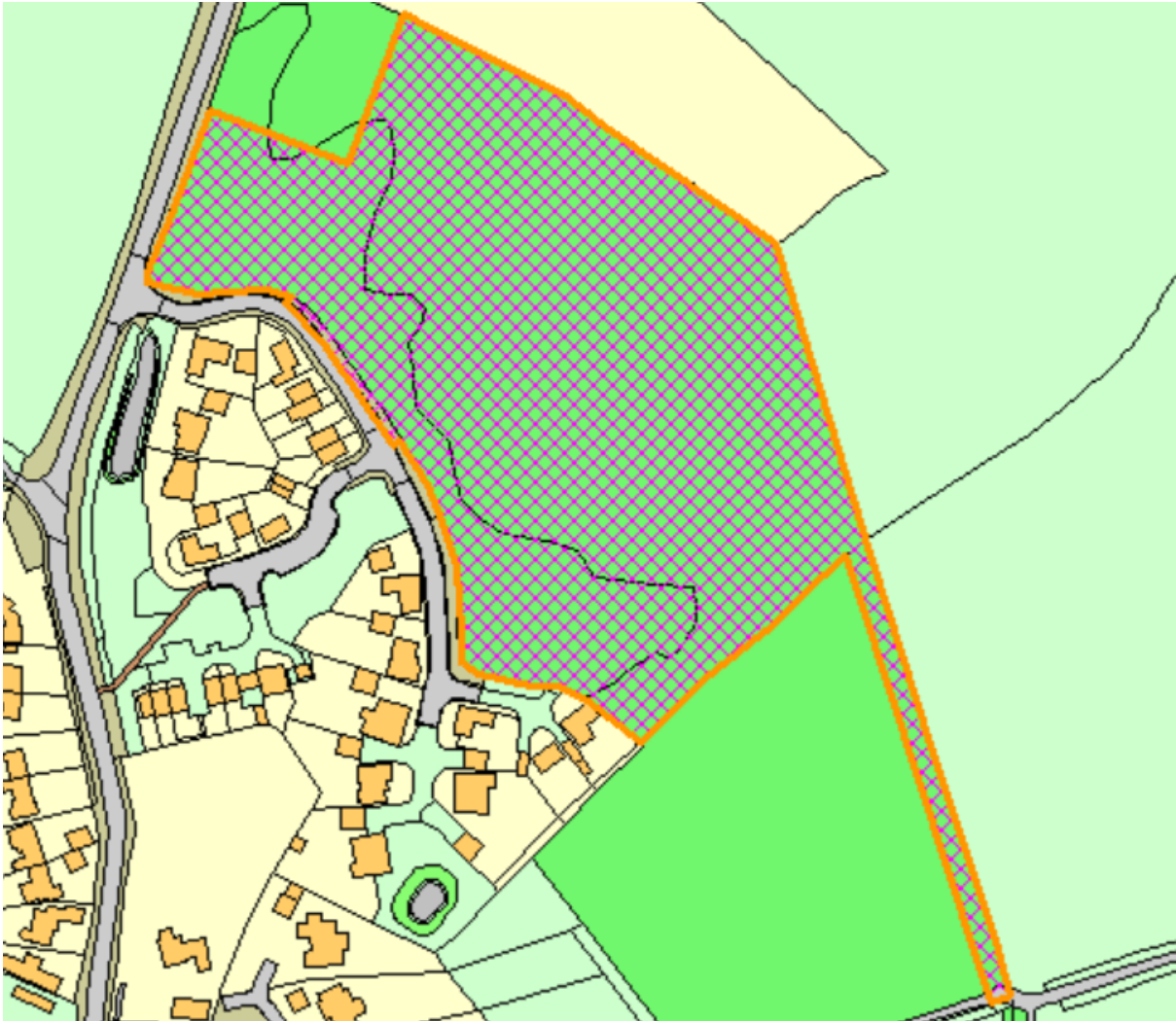
ITEM NUMBER: 5

PLANNING COMMITTEE DATE: 22 February 2023

REFERENCE NUMBER: UTT/22/3178/DFO

LOCATION: Land East And North Of Clifford Smith Drive
Felsted

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council. Date: 08 February 2023

PROPOSAL: Details following outline application UTT/19/2118/OP for the erection of up to 41 no. dwellings - details of appearance, landscaping, layout and scale. Application to discharge conditions 7 and 8 (Surface Water Drainage), 11 (access arrangements), 12 (pedestrian link), 17 (Reptile Mitigation Strategy), 18 (CEMP Biodiversity), 19 (Biodiversity Enhancement Strategy) and 22 (Energy Statement)

APPLICANT: Mulberry Homes

AGENT: Laura Dudley-Smith

EXPIRY DATE: 24.02.2023

EOT Expiry Date

CASE OFFICER: Mrs Madeleine Jones

NOTATION: Outside Development Limits. Within 250m of Local Wildlife Site. SSSI Impact Risk Zones. Adjacent Listed Building (Weavers Farm)

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** This scheme is for 41 residential housing units and follows grant of outline planning permission reference UTT/19/2118/OP for the erection of up to 41 no. dwellings with all matters reserved except access along with associated works
- 1.2** The reserved matters to be considered are therefore only appearance, layout, landscaping and scale which are considered below
- 1.3** The proposal includes 40% affordable housing

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 Deed of Variation to the s106 agreed at outline
- B) Conditions

And

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

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site lies on the eastern side of the Braintree Road and adjoins existing residential development along the southern western boundary. This adjacent development of 25 dwellings was given planning permission in 2014.
- 3.2 The site is 2.86 hectares, is irregular in shape and is unmanaged scrubland with some young self-sown trees. It is predominantly flat but rises up to the eastern boundary.
- 3.3 The site has hedging along the Braintree Road boundary, to the northern boundary and to the eastern boundary. To the southern boundary there is a post and rail fence. New trees have recently been planted along the common boundary of Clifford Smith Drive. Agricultural land is to the east of site beyond the land set aside for ecological reasons.
- 3.4 On the opposite side of Braintree Road, B1417 at this point is open arable farmland.
- 3.5 A set of electricity pylons run across the site from east to west.
- 3.6 To the north of the site and further along the B1417 is Weavers Farm. There is a group of large deciduous trees on this boundary near to the front of the site. Weavers Farm is Grade II Listed and is approximately 70 m from the northern boundary of the site.
- 3.7 South East of the site is an area that was set aside for ecological reasons as part of the planning for the adjacent Clifford Smith Drive development. This land is dedicated as a licenced ecological mitigation area for Great Crested Newts, including ponds and mounds.

3.8 There are a number of footpaths and other public rights of way close to the site, including the PROW 15 16 to the north of Weaver Farm to the north, PROW 15 7 along the driveway to Felmoor Farm and PROW 15 15 along the southern edge of the Clifford Smith Drive ecological area.

4. PROPOSAL

4.1 This application relates to the Approval of Reserved Matters, following the grant of outline planning permission for the erection of upto 41 dwellings, under Outline Approval reference UTT/19/2118/OP

4.2 Access was considered under the application UTT/19/2118/OP and therefore only appearance, landscaping, scale and layout are for consideration as reserved matters. A new access road would be provided which would join onto the spine road serving the adjacent development

4.3 The table below shows the proposed housing mix

4.4

Plot	Housing type	Garden size m ²	Parking Provision	Affordable
1	3	186	4	
2	5	190	4	
3	3	103	2	Y
4	2	51	2	Y
5	2	51	2	Y
6	1	86	2	Y
7	1	205shared	1	Y
8	1		1	Y
9	2	94	2	Y
10	2	74	2	Y
11	2	74	2	Y
12	2	86	2	y
13	3	190	3	
14	3	287	3	
15	3	256	3	
16	4	280	4	
17	4	261	4	
18	4	494	4	
19	4	306	4	
20	4	522	4	
21	4	375	4	
22	4	121	4	
23	4	204	4	
24	4	231	4	
25	4	109	4	
26	4	265	4	
27	4	282	4	
28	4	186	4	
29	3	101	2	Y

30	3	110	2	Y
31	3	116	2	Y
32	3	119	2	Y
33	3	110	2	Y
34	3	103	2	y
35	4	122	3	
36	3	113	3	
37	3	162	3	
38	4	104	3	
39	4	229	3	
40	4	189	4	
41	4	158	4	
Visitor Parking			10	

4.5 All dwellings have on plot parking and the plans show 10 additional parking spaces

4.6 All dwellings have private amenity space that accords with the recommended sizes within the Essex Design Guide for the size of the dwelling.

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

- Planning Statement
- Reptile Mitigation Strategy
- Design and Access Statement
- Ecological walkover survey
- Great crested Newt Licence
- Completed Suds Checklist

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/19/2118/OP	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	Approved with conditions
DUN/0302/61 -	Site for residential development. Refused	Refused

UTT/0892/90	Construction of outside leisure facilities including lake for angling 4 no tennis courts, bowling green,	Approved with conditions
UTT/0981/91	Erection for indoor bowling facilities with ancillary parking and removal of four redundant farm buildings.	Refused.
UTT/ 18/0784/OP	Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Refused. Allowed on appeal.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 This application has been the subject of pre- application (UTT/22/2133/PA) The issues discussed were layout (design), housing mix, ecology, highways (parking), impact on Heritage Assets, Suds and s106 requirements (including Deed of Variation).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following 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 discharge of condition 7 & 8 of UTT/19/2118/OP
The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

9. Felsted Parish Council COMMENTS

- 9.1 Felsted Parish Council believes that these proposals provide a positive impact on the environment within the constraints of the planning permission which has already been granted. It particularly

welcomes the plans for planting which will enhance the biodiversity within the development

- 9.2** As you are aware an ecologist survey was conducted regarding the lizards on your new site (Clifford Smith Drive) last year by another developer. The Nature Area in Felsted (behind Station Road) was found to be a suitable site for the transfer of the reptiles.
The Nature Area in Felsted is managed by a Working Group consisting of both Parish Councillors and local residents / volunteers. The Working Group agreed to the transfer and a fee for this (albeit unspecified) was agreed with the previous developer. Please be advised that the Working Group have agreed to continue to support the transfer of the lizards and have agreed to waive the fee.
Please note that, if possible, some members of the Working Group would like to be present when the lizards are relocated.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

- 10.1.1** The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 41 units. This amounts to 16 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
The application includes 16 affordable properties 11 of which are for affordable rent and 5 for shared ownership. There is a good mix of affordable properties proposed within the application and each of the properties meet the Nationally Described Space Standards (NDSS).
It is encouraging to note that each of the properties are to have an Air Source Heat Pump and an EV charging point.
I suggest that the floor plan of the 1-bedroom wheelchair accessible bungalow (plot 6) is amended to include a wet room or level access shower rather than a bath.
The mix of the market properties could be enhanced by including a couple of 2-bedroom houses

10.2 Anglian Water

- 10.2.1** No comments

10.3 Place Services (Conservation and Heritage)

- 10.3.1** This application relates to land located to the south and east of Grade II listed Weavers (List entry number 1146732), and forms part of the setting of the listed building. Weavers is a timber framed and 0plastered cottage of one storey plus attics which has been dated to the seventeenth century or earlier, with later additions and alterations including a twentieth century rear extension. Grade II listed Felmoor Farmhouse (List entry number 1146724) which has been dated to the sixteenth/seventeenth century is located at some distance to the west of the development site, across a

piece of open farmland. The current application relating to UTT/19/2118/OP follows an earlier outline application for 30 dwellings (UTT/18/0874/OP) which was allowed at appeal. The Planning Statement incorporating Heritage Statement submitted with UTT/19/2118/OP assessed there to be less than substantial harm to the significance of the listed building (Weavers) arising from the proposed development, and I agree with this assessment based on the contribution the current undeveloped rural setting makes to significance.

10.3.2 In the Inspector's decision notice relating to the application for 30 dwellings on this site dated 27 March 2019, he observed the following: The appeal site lies to the south of the property and given the boundary treatment and vegetation along the boundary of Weavers and Braintree Road and along the southern boundary with the appeal site, views of Weavers from the appeal site are largely screened. Furthermore, since layout is a matter for future consideration and as suggested by the indicative site plan, the proposed dwellings could be set out on the site such that the effect of the proposed development on the setting of the listed building would preserve its significance.

10.3.3 The new development will extend the existing modern housing development of Clifford Smith Drive north and eastwards, thus urbanising the setting of Weavers and associated buildings to the southeast, with the exception of an area directly fronting Braintree Road which is proposed to consist of retained scrubland to the north, with an attenuation basin and associated soft landscaping to the south. All 40 of the dwellings proposed with the current application are of two storeys, some with single storey garages.

10.3.4 Plots 7-11, 8, 10, 11, 12, 13, 14, 16 and 17 at the northern boundary of the development site are those in closest proximity to the listed building, with some separation provided by the rear gardens of the new houses. Existing mature vegetation and proposed tree planting will provide some screening, but it is regrettable that no visual impact assessment has been made of the inter-visibility between the listed building and the new houses to and from this part of the development site. I note that the indicative layout submitted with UTT/19/2118/OP included three bungalows at Plots 12 to 14. Single storey dwellings on the north of the site would theoretically reduce the visual impact on the setting of the listed building, although would not mitigate the other urbanising effects of light spill and increased activity levels.

10.3.5 With regards to the proposed design of the new dwellings, these appear to be appropriate to the character and appearance of the area with traditional roof forms and fenestration. With regards to materials, I note that the new dwellings are proposed to be finished in either one of two types of red brick, with any rendered or black weatherboarded finishes reserved for front elevations. In the interests of local character and the use of high-quality materials, timber rather than fibre cement weatherboarding should be specified. Red or grey clay tile roofs have

been specified and whilst red clay tiles are in keeping with local character, natural slate should be employed in favour of the proposed grey clay 'Antique slate' tiles, as a suitably high-quality material. Details of the materials to be used for doors and windows has not as yet been specified and, in line with pre-application advice from this office, they should be timber or aluminium framed which could be dealt through a suitable condition. I also note the proposed use of timber post and rail fencing to the northern and eastern site boundary which I consider to be an appropriate treatment in this context.

10.3.6 However, the pre-application advice from this office was that close boarded fencing to garden boundaries should be avoided as it is not in keeping with the rural character of the area. The proposed use of powder coated chain link fencing on other parts of the development is also regrettable in this context, although I appreciate this will be screened by new hedging where employed on the eastern boundary. I am also unclear regarding the proposed type of powder coated estate railings to be used, but this could be dealt with through an appropriate materials samples condition. I am able to support the proposed landscaping plan with all rear gardens laid to grass and the minimal use of hard landscaping throughout the development.

10.5 Place Services (Ecology)

10.5.1 No objection subject to securing biodiversity mitigation and enhancement measures

10.6 Essex Police

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

10.6.2 Whilst there are no apparent concerns with the layout however in relation to the boundary treatments to plots 7-23, we have some concerns. Plots 7-18 appear to rely on 1.1m post and rail fencing to a ditch at the rear which without seeing the ditch in all seasons appears to provide no security to the rear of the properties or protect to prevent a child's access to the ditch. Plots 19-23 has hedging which security will depend on density with the addition of a 1.8m chain link fence, chain link fencing is not a secure fence. Plots 24-27 chain link fencing again. We would also be interested in the purpose of the gated area behind plots 21 & 23. To comment further we would require the finer detail such as the proposed lighting, and physical security measures.

10.7 NATS

10.7.1 No objections.

10.8 UDC Urban Design officer

10.8.1 No objection raised. On balance, the well-designed elements of this scheme outweigh any potential points for improvement

10.9 BAA Safeguarding

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

10.9.2 Informatives:

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:

<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

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

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 76 notifications letters were sent to nearby properties.

11.1.1 Object – one representation.

- 11.1.2**
- Cramped layout
 - Highway safety
 - Impact on wildlife

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

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

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great Chesterford and Little Chesterford Neighbourhood plan (Made 2nd Feb 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

13.2.1 S7 – The countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN5 –Light Pollution Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy

GEN8 - Vehicle Parking Standards Policy
H9 - Affordable Housing,
H10 - Housing Mix Policy
ENV2 - Development affecting Listed Buildings Policy
ENV3 - Open Space and Trees,
ULP Policy ENV7 - County Wildlife Site
ULP Policy ENV13 – Exposure to poor air quality

13.3 Felsted Neighbourhood Plan (made 25th February 2020)

13.3.1 FEL:HN6: Supplementary Dwellings
FEL:HN7: Housing Mix
FEL:ICH 1 High Quality Design
FEL:CW3footpaths, Bridleway and cycleways

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **A) Principle of Development**
B) Design, scale, landscaping, appearance, impact on neighbour’s amenity and impact on adjacent listed building
C) Affordable Housing, Housing mix
D) Biodiversity
E) Climate Change
F) Highway safety and access
G) Drainage

14.3 A) Principle of development

14.3.1 This scheme is for 41 dwellings and follows an outline application reference UTT/19/2118/OP. as such the principle of the development has already been accepted. There are no further relevant changes in planning policy since that date that would reverse that decision.

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

14.4 B) Design, scale, landscaping, appearance, impact on neighbour's amenity and impact on adjacent listed building.

14.4.1 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design. The development should comply with building for a Healthy Life, Essex Design guide and The Felsted Neighbourhood Plan Policies as above.

14.4.2 The site layout submitted is similar to the layout submitted at outline stage and is considered to be appropriate for the site. The proposal has been the subject of pre- application advice, which included the Urban Design officer, specialist Heritage officers and the Lead Local Flood Authority. The submitted application reflects that advice.

14.4.3 The properties comprise a mix detached, and link detached properties. A mix of materials is proposed consisting of render, brick, and boarding. The design, appearance, scale, and external materials of the proposed dwellings reflect the Essex vernacular as detailed in the Essex Design Guide.

14.4.4 The proposed would be similar in design and scale to those of the adjacent residential developments. They would be predominantly two storey dwellings with one bungalow.

14.4.5 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbour's amenity.

14.4.6 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2-bedroom properties 50 sqm+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide

14.4.7 Whilst the principle of the proposed development has been established, consideration must still be afforded to the setting of the adjacent heritage assets, to avoid/minimise any additional harm to their setting from the proposed development as outlined in Section 16(2) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2, NPPF). Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them. This 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 impair the special characteristics of a listed building will not be permitted.

14.4.8 The application site is located to the east of the B1417, to the north of the site is the Grade II listed building Weavers (list entry number: 1146732). Across the B1417 to the west is the Grade II listed Felmoor Farmhouse

(list entry number: 1146724) and Pump to west of House, also Grade II listed (list entry number: 1112895).

- 14.4.9** Rear gardens have been placed along the north and north eastern boundary to provide a greater degree of separation between the development and the Listed building to the north of the site.
- 14.4.10** Specialist conservation advice is that with regards to materials, they state that the new dwellings are proposed to be finished in either one of two types of red brick, with any rendered or black weatherboarded finishes reserved for front elevations. In the interests of local character and the use of high-quality materials, timber rather than fibre cement weatherboarding should be specified. Red or grey clay tile roofs have been specified and whilst red clay tiles are in keeping with local character, natural slate should be employed in favour of the proposed grey clay 'Antique slate' tiles, as a suitably high-quality material.
- 14.4.11** Conservation officers advised that close boarded fencing to the northern and eastern site boundaries should be timber post and rail fencing rather than close boarded fencing.
- 14.4.12** The Urban Design officer has no objections to the proposal.
- 14.4.13** The proposal also includes an area of Public Open Space (POS) including a Local Area of Play (LAP) and adult outdoor gym equipment
- 14.4.14** The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4

14.5 C) Affordable Housing, Housing Mix

- 14.5.1** Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40% of the total provision of housing.
- 14.5.2** Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 14.5.3** Felsted /HN7 housing mix policy states that new housing development will be supported where it provides two bedroom or three bedroom accommodation suitable for young families or homes suitable for older people, other types of accommodation identified in the latest assessment of local housing needs and or affordable housing.
- 14.5.4** The housing mix and parking provision of the individual plots for this application is as per the table above in section 4.4

- 14.5.5** The proposal includes the provision of 40% affordable housing which equates to 16 affordable housing units
- 14.5.6** Following advice from the housing officer, the bungalow on plot 6 has been revised to include a wetroom and ensure full M4(3) compliance.
- 14.5.7** The housing mix and provision of affordable housing is considered to be acceptable.

14.6 D) Biodiversity

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

14.6.2 An ecology survey and assessment was submitted with the outline application and a number of conditions were attached to the outline application.

An updated ecological survey has been submitted and a letter of support from Felsted Parish council indicates they are happy to receive the translocated reptiles from the proposed site.

Evidence of the site's registration under Natural England's Great Crested Newt District Level Licensing has also been submitted.

A payment towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has been secured by a s106 agreement.

Although hedgerows are not being planted in the north-west of site, they are being provided elsewhere on site, in line with the Preliminary Ecological Appraisal (T4 Ecology Ltd., March 2018), secured by a condition at the outline stage (UTT/19/2118/OP).

Specialist Ecological advice is that they have no objections subject to securing biodiversity mitigation and enhancement measures.

The proposal complies with Uttlesford Local Plan Policy GEN7

14.7 E) Climate Change

14.7.1 Since the outline application, the Council have adopted an Interim Climate Change Planning Policy.

Each property will be fitted with an electric vehicle charging point.

The proposed development would minimise heat loss and incorporate efficient heating and lighting systems. The properties would also have air source heat pumps.

14.8 F) Highway safety and access

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

14.8.2 The Council has adopted both Essex County Council's Parking Standards – Design and Good Practice (September 2009) as well as the Uttlesford Local Residential Parking Standards (December 2012),

14.8.3 Local Plan Policy GEN8 – Vehicle Parking Standards requires parking provision for C3 (dwellings) use is: A minimum of 2 spaces (3 spaces for 4+bedrooms) per dwelling and 0.25 spaces per dwelling for visitor parking.

14.8.4 Cycle provision - If no garage or secure area is provided within the curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents.

14.8.5 Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface) The minimum internal dimensions for garages is 7m x 3m (if they are to count towards a parking space)

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

14.9 G) Drainage

14.9.1 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

15.1 ADDITIONAL DUTIES

15.1.1 Public Sector Equalities Duties

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

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

15.1.4 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 complies with relevant planning policies

17.1 DEED OF VARIATION AND CONDITIONS

17.1.1 1. Removal of mortgagee in possession clause
2. Change to early Years and Childcare Contribution from £19,924 to £17,422

17.2 Conditions

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with

the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 2** Prior to commencement Where the approved development is to proceed, further supplementary ecological walkover surveys for Badger shall be undertaken to inform the preparation and implementation of corresponding ecological measures required. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

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

- 3** Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces 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 Uttlesford Local Plan Policies GEN2 and ENV2

- 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 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.

- 5** Dwellings shall not be occupied or play area open for use 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.

- 6** At an agreed phase in the development a shared footway/cycleway from opposite plot 2 to Clifford Smith Drive as shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 (but with a minimum of width of 3m) and a footway from opposite plot 24 to the pedestrian link required by condition 13 UTT/19/2118/OP(link to public right of way 15 (Felsted)), with a minimum of width of 2m shall be provided.

REASON: To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 7** Prior to first occupation two uncontrolled crossings of Clifford-Smith Drive shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 to be provided.

REASON: To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Appendices

Appendices for UTT/22/3178/DFO

Essex Highways:

Recommendation

Application No. UTT/22/3178/DFO

Applicant Mulberry Homes c/o Agent - Savills Parkview House Victoria Road South
Site Location Land East And North Of Clifford Smith Drive Watch House Green
Felsted

Proposal Details following outline application UTT/19/2118/OP for the erection of up to 41 no. dwellings - details of appearance, landscaping, layout and scale.

Application to discharge conditions 7 and 8 (Surface Water Drainage), 11 (access arrangements), 12 (pedestrian link), 17 (Reptile Mitigation Strategy), 18 (CEMP Biodiversity), 19 (Biodiversity Enhancement Strategy) and 22 (Energy Statement)

Note

This application was subject to a pre-app process and the applicant responded to the highway authority comments. Pedestrian links have been made to the public right of way network and into the adjacent development.

From a highway and transportation perspective the impact of the proposal 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 or play area open for use 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.

3. At an agreed phase in the development a shared footway/cycleway from opposite plot 2 to Clifford Smith Drive as shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 (but with a minimum of width of 3m) and a footway from opposite plot 24 to the pedestrian link required by condition 13 UTT/19/2118/OP(link to public right of way 15 (Felsted)), with a minimum of width of 2m shall be provided. Reason: To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to first occupation two uncontrolled crossings of Clifford-Smith Drive shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 to be provided.

Reason: To provide safe and convenient walking and cycle access in accordance with

Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

(i) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

(ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

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

(iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

(v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(vi) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way 15 (Felsted) 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.

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

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

Development and Flood Risk

Consultation Response – UTT/22/3178/DFO - Land East And North Of Clifford Smith Drive Watch House Green Felsted
Thank you for your email received on 25 November 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.
As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS

schemes for major developments. We have been statutory consultee on surface water

since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply

with the required standards as set out in the following documents:

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the discharge of condition 7 & 8 of UTT/19/2118/OP based on the following:

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

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

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours sincerely,

Alison Vaughan

Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

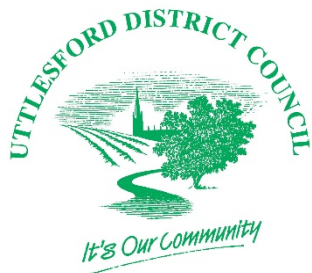
Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction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

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

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

- Sustainability of the development

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



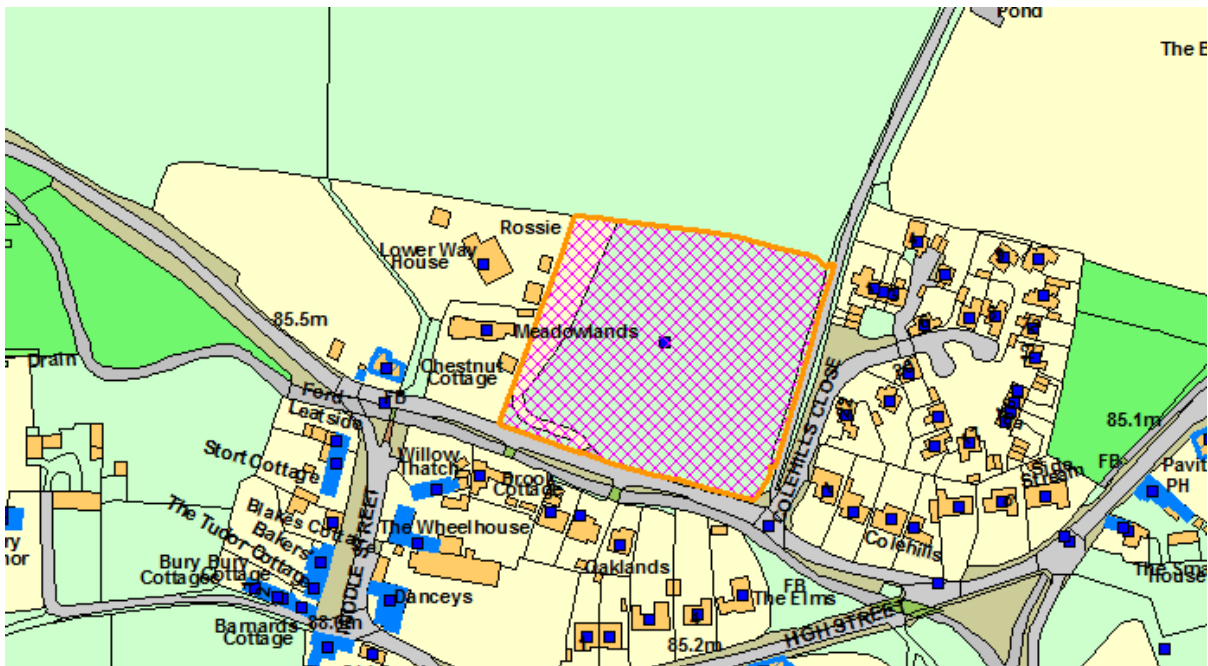
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 22 February 2023

REFERENCE NUMBER: UTT/22/1718/FUL

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

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 08 February 2023

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

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

AGENT: Armstrong Rigg Planning

EXPIRY DATE: 16 September 2022

EOT Expiry Date 17 February 2023

CASE OFFICER: Mr Lindsay Trevillian

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

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought by the applicant (Artisan (UK) Developments Limited and Turnwood Heritage Limited) for the erection of 10 dwellings alongside associated works including access, parking, and landscaping.
- 1.2** The application site lies majority in Flood Zone 2 with a small section along the frontage lying in Flood Zone 3. As demonstrated in this report, the applicant has undertaken and constructed the necessary mitigation measures to protect the proposed homes from flooding and ensure to mitigate the effects of any new development from increasing the flood risks to others. To mitigate the current risk of flooding, proposed ground lowering works will be carried out to provide additional capacity and storage including an on-site flood compensation area, and further ground raising will mean that post development all dwellings are situated in Flood Zone 1.

- 1.3 The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply and thereby paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.
- 1.4 The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in significantly boosting the Councils housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, on-site energy generation from low-carbon sources and the provision of public open spaces. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.5 Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the extension of built form. This would have limited to modest negative environmental effects. Furthermore, the proposals would inevitably result in less than substantial harm to the setting of the Clavering Conservation area which has been identified as low to moderate harm on the spectrum.
- 1.6 Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. **RECOMMENDATION**

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

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

And

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

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this full planning application relates to the land known as 'Land West of Colehills Close, Middle Street, Clavering, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The application site is located on the northern side of Lower Way and the western side of Colehills Close within the village of Clavering. The site itself is irregular in shape with the front boundary following the curve of the highway. The site has an area of approximately 0.96 hectares.
- 3.3** The site has previous history used for both agriculture and for gravel extraction which is apparent in its topography which has a cut away section stretching east-west across the middle of the site. The site rises approximately 4.6m from the front boundary abutting Lower Way to the rear.
- 3.4** The site is currently free of any established built form and is predominantly arable land. Existing mature vegetation in the form of medium to large trees and hedgerows are located along the boundaries of the site. No vegetation is covered by tree preservation orders. A public byway runs along the eastern boundary of the site.
- 3.5** Access to the site is gained off Lower Way to the south of the site. The access sweeps west along the southern boundary before turning north along part of the western boundary.
- 3.6** The application site is located outside the settlement boundary limits as defined by the Adopted Local Plan on the northern edge of the settlement. Located to the east, south and west are residential dwellings that mostly comprises of detached double storey dwellings that vary in size and scale. Large fields used for agriculture lie to the north of the site.
- 3.7** Clavering itself includes limited local services and amenities containing a public house, church, primary school and village hall and supermarket. playing fields.
- 3.8** The site is not within but abuts the Clavering Conservation Area and several listed buildings are located to the southwest of the site. The site lies predominantly with Flood Zone 2 with a small proportion of the site's frontage lying in Flood Zone 3 as identified by the Environmental Agency Flood Risk Maps. The River Stort runs parallel to the southern boundary of the site on the opposite side of Lower Way.

4. PROPOSAL

- 4.1** This application seeks full planning permission for the construction of 10 residential dwellings alongside associated access, parking, and landscaping.

4.2 Vehicle and pedestrian access are from Lower Way utilising the existing vehicle crossover onto the site. Additional pedestrian access is proposed from the byway to the east of the site that would link the on-site public open space to the wider footpaths in the locality.

4.3 The proposal incorporates a range of housing types including two-, three, four- and five-bedroom houses. 40% of the proposed housing will be affordable units (4no. dwellings). The proposed residential mix is set out below.

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

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

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

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

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

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

6.3

The most recent application ref: UTT/21/0977/OP was refused planning permission under delegated powers on the 17th December 2021 for three reasons of refusal. The application was refused on grounds of insufficient information having been provided on heritage and highway matters and the lack of a S106 agreement to secure affordable housing. Figure 1 show the indicative site layout of the proposals that were refused as part of the above application.



Figure 1: Proposed layout of application ref: UTT/21/0977/OP which was previously refused permission.

6.4 This application has been submitted in full rather than outline to address the concerns raised and the reasons of refusal imposed on the previous application by way of making amendments to the proposed layout and through the provision of additional information/documentation.

7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.

7.2 This has included pre-application engagement including a programme of meetings between the Applicant and officers of Uttlesford District Council. In summary, the applicant has discussed their emerging proposals with officers to clarify previous reasons of refusal and to seek advice on planning policy and revisions to the design of the proposed development.

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

7.4 Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed by consultees, the public, and Parish Council,

throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

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

8.2 Local Flood Authority – No Objection

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

8.3 Environment Agency – No Objection

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

9. PARISH COUNCIL COMMENTS

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

- The application sites lies within a flood zone and is known to flood from the River Stort. It is the responsibility of the District Council to manage the flood risk for this development which includes determining the safety and acceptability of the proposals.
- The proposed safe refuse of the housing detailed in this proposed application does not illustrate how at flood times, the dwellings may be accessed by emergency services.
- The Council should be reminded that previous planning applications were refused on grounds of flood risk.
- The Council have rejected the site in its call for sites process in 2015 and 2018 for reasons including flood risk.
- The applicant has shown inadequate modelling relating to flood risk.
- There has been no effective community engagement.
- The development would result in a significant change to the site and the countryside.
- The proposals would impact upon the Protected Lane.
- No swept path analyses have been shown in this application.
- No street scene plans have been included in comparison to the bungalow that adjoins the site.

- The site plans do not appear to show the topography of the site.
- There is no daily public transport to nearby rail stations.
- The proposals fail to comply with the three strands of sustainable development.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

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

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

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

10.2 UDC Environmental Health – No Objection

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

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 UDC Emergency Planning Officer

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

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

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

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

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

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

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

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

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

10.7 **Thames Water – No Objection**

10.7.1 Surface Water Drainage

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

10.7.3 Waste Water Network and Sewage Treatment Works

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

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

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

11. **REPRESENTATIONS**

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

11.2 **Object**

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

11.3 **Comment**

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

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

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

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

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

13.2 Uttlesford District Plan 2005

- Policy S7 – The Countryside
- Policy GEN1- Access
- Policy GEN2 – Design
- Policy GEN3 - Flood Protection
- Policy GEN4 - Good Neighbourliness
- Policy GEN5 – Light Pollution
- Policy GEN6 - Infrastructure Provision
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy H9 - Affordable Housing
- Policy H10 - Housing Mix
- Policy ENV1 - Design of Development within Conservation Areas
- Policy ENV2 - Development affecting Listed Buildings
- Policy ENV3 - Open Space and Trees
- Policy ENV4 - Ancient monuments and Sites of Archaeological Importance
- Policy ENV5 - Protection of Agricultural Land
- Policy ENV10 - Noise Sensitive Development
- Policy ENV13 - Exposure to Poor Air Quality
- Policy ENV14 - Contaminated Land

13.3 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A. Principle of Development**
 - B. Suitability and Location (GEN1 and the NPPF)**
 - C. Countryside Impact (S7, and the NPPF)**
 - D. Character and Design (GEN2 and the NPPF)**

- E. Heritage (ENV2 and the NPPF)
- F. Housing Mix and Tenure (H9, H10 and the NPPF)
- G. Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)
- H. Parking and Access (GEN1, GEN8, and the NPPF)
- I. Landscaping, Arboriculture, Open Space (GEN2, ENV3, ENV8 and the NPPF)
- J. Nature Conservation (GEN7 and the NPPF)
- K. Contamination (ENV14 and the NPPF)
- L. Flooding & Drainage (GEN3, and the NPPF)
- M. Planning Obligations (the NPPF)
- N. Other Issues

14.3 A) Principle of development

- 14.3.1** The application site is located outside the development limits of Clavering within open countryside and is therefore located within the Countryside where policy S7 applies.
- 14.3.2** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.
- 14.3.3** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.3.4** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.3.5** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

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

- 14.4.1** The site lies outside the settlement development boundary limits of Clavering. It is identified within the Local Plan settlement hierarchy as being “Other Village” where it is recognised that there is some limited potential for future development within the settlement boundary or on previously developed land.
- 14.4.2** Although outside the settlement boundaries of the village of Clavering, the new built form would be constructed adjacent to the northern western edge of the village and adjacent to existing housing, therefore to a limited extent, the proposals provide a logical relationship with the existing village.
- 14.4.3** The village of Clavering has a limited number of local services and amenities that are within walking/cycling distance from the application site including but not limited to:
- Fox and Hound Public House (300m)
 - Primary and Pre-School (600m)
 - Local Supermarket (700m)
 - Two Churches (500M & 800m)
 - Village Hall (1km)
 - Recreation Ground (1.1km)
- 14.4.4** Although there are limited amenities within the settlement of Clavering, the town of Newport is located 6km to the northeast of the application site and the large town of Saffron Walden is located 11km to the west whereby other local facilities such as health facilities and employment opportunities can be located.
- 14.4.5** It is recognised that the public transport links are limited to local bus services providing accessibility to children to schools in nearby larger towns.
- 14.4.6** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including; schools; retail outlets; health and cultural facilities; sports and recreational fields; and employment opportunities to meet the needs of existing and future occupiers.
- 14.4.7** As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Clavering.
- 14.4.8** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services

through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.

14.4.9 Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. The scale of that benefit will obviously be commensurate to the limited scale of the development itself (10 properties), but that does not diminish the benefit or render paragraph 78 inapplicable. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.

14.4.10 In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

14.4.11 This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one properly takes account of the rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.

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

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

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

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

- 14.5.3** The proposed scheme is for 10 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality. A lower density scheme such as this scheme in this location would not be out of place with the surrounding character due to its design concept taking into account the wider natural and built environment.
- 14.5.4** The proposed layout presents a loose knit and spacious layout with significant areas of soft landscaping interspersed between the buildings and towards the front of the site. The setback of the frontage properties will maintain a green collar that presents visual relief to the development and filters views through newly planted vegetation into the application site along the surrounding highways. The relatively low density of the site similar the adjoining residential development within the locality, and the allowance for visual separation between built forms is such that the proposed development would not be a significant prominent addition in the local area and the effect on the local landscape.
- 14.5.5** It would nestle into a largely contained and framed site next to existing housing associated on Lower Way and Colehills Close and the established and proposed vegetation on the boundaries would have limited influence beyond the site itself and its immediate setting.
- 14.5.6** Except for the front boundary, the proposed layout will preserve and the existing boundaries through the retention of the existing trees and hedgerows along all other boundaries. The proposed widening of the existing highway to improve accessibility and safety would result in the removal of the vegetation along the front boundary, however, this would be replaced and enhanced with new mature vegetation as detailed on the submitted drawings. The application sites boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.
- 14.5.7** In outlying views from the countryside from the north and along the public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Clavering resulting in only a low level of visual effect. The landscape and visual implications of this proposed development are of a low level and modest nature for a development such as this.
- 14.5.8** The development proposal would have a limited visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

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

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

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

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

14.6.3 Layout:

14.6.4 The site is characterised by a single spine road extending from the existing vehicle access off Lower Way and meandering around the western portion of the site leading up to the rear. The access and spine road will form the main ingress point for vehicles and pedestrians. The layout which effectively creates a new cul-de-sac development is not at odds to the general character and layout of the area. Colehills Close to the east of the site is a cul-de-sac and thereby sets a precedence in this regard.

14.6.5 Due to the risk of flooding at the lower levels of the site, the layout of the housing has been generally located on the back high plateau at the back of the site and to the west where there are higher land levels.

14.6.6 The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance.

14.6.7 The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with

respect to providing an appropriate interface between the proposed residential development, drainage and flooding, and the surrounding historic and natural environment.

14.6.8 Scale:

14.6.9 The Applicant has applied careful consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment. In terms of height, all the new dwellings will be two storeys with single storey garages to the market houses. The market housing to the rear of the site will all consist of detached forms whilst the 2 pairs of semi-detached buildings forming the affordable units will be constructed in steps to reflect the rising levels as it goes up the site.

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

14.6.11 Appearance:

14.6.12 It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most rural locations.

14.6.13 The dwellings are of a traditional design with roof pitches generally steep ranging from 40-50 degrees and extending over the narrow plan in keeping with surrounding properties and the Essex Design Guide.

14.6.14 The external finishing materials of the new dwellings consist of a mix palette of materials which include slate, pantile and plain tile roofing, horizontal weatherboarding cladding or render to the walls with red brick plinths. The external materials are like those found in the general locality on surrounding properties.

14.6.15 The architectural treatment has been designed to provide a cohesive development, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.

14.6.16 The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.

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

14.6.18 Quality of Accommodation:

14.6.19 All the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.

14.6.20 In light of this, the new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new homes will function, be adaptable and cater to changing lifestyles that meet the needs of families, children, and older people.

14.6.21 For a two-bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.

14.7 **E. Heritage (ENV2 and the NPPF)**

14.7.1 Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

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

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

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

14.7.4 The key change to the proposals in terms of heritage assets is the revised scheme has pulled the development away from the road to help preserve

the character of the lane and the setting of the conservation area. Furthermore, by submitting a full application rather than an outline as previously, the detailed design of the scheme is now available and has been informed by the local vernacular design.

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

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

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

14.7.8 The conservation officer further adds *"With regards to the proposed layout, I acknowledged that the large open space to the south-east would potentially mitigate some of the impacts from the proposed development however there remains concerns upon the quantum of development, and the scale and massing of the dwellings."* The officer further explains that *"Additionally, it should be encouraged that the use of high-quality materials as per paragraph 206, the proposed use of concrete tiles, cement fibre cladding and PVC bargeboards and windows would be inconsistent with this and would fail to preserve the setting of the Conservation Area"*

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

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

14.7.10 However, following further consultation with the Place Services following the submission of the revisions, the conservation officer confirmed in a

revised response that they still had concerns. Although the officer acknowledged that removal of the parking to the southeast of the site and the use of external finishing materials was a positive, the proposed design of the dwellings and their scale and massing remained a concern.

- 14.7.11** The conservation officer concluded that the proposals would not result in a positive contribution to the local character or distinctiveness or preserve the Setting of the Clavering Conservation Area. It was deemed that the proposals would result less than substantial harm and that the identified harm was within the low- to medium level of the spectrum.
- 14.7.12** It should be recognised that the conservation area did not raise any concerns with respect to unacceptable harm upon the listed buildings as identified in paragraph 14.7.3 above.
- 14.7.13** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.
- 14.7.14** The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be archaeological, architectural, artistic or historic’.
- 14.7.15** The ‘Setting of a heritage asset’ is defined as ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’
- 14.7.16** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.17** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.18** In view of the conservation officer’s concerns and particular regarding the quantum of development, the proposals would represent a site density of 10 dwellings per hectare which is very low in respect to density.

Furthermore, the scheme will take of an arcadian layout creating a semi-rural feel rather than a dense urban appearance. In addition, the cul-de-sac layout of the development is not at odds to other cul-de-sac development within the vicinity including that of Colehills Close. Buildings within the site will also be visually separated allowing for large areas of soft landscaping which will be visually pleasing to the eye. In respect to scale and form, the proposals would not be at odds to the scale and size of dwellings in the locality which are predominately two stories.

14.7.19 In considering harm to designated heritage assets and being mindful of the statutory duties under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this is a matter that must be given considerable importance and weight and one must weigh up the public benefits and balance these against any identified harm. This balancing exercise is carried out in the planning balance section of this report below.

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

14.8.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

14.8.2 The application was consulted to Council's housing officer who confirmed that the Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units and that the affordable housing provision on this site will attract the 40% policy requirement as the site is 0.96 ha and therefore exceeds 0.5 ha. This amounts to 4 affordable housing units.

14.8.3 The proposals include the provision of 4 on-site affordable housing units. These are identified as plots 1 to 4. The housing officer confirmed that there is now a national requirement for 25% of the affordable provision to be First Homes and that the tenure split of affordable housing should be 3 affordable rent and 1 First Home.

14.8.4 The Applicant has confirmed that Plot 1 would be a First Time home, Plots 2 & 3 provided as affordable rent and Plot 4 to be provided as shared ownership. For a modest scheme such as this, the tenure split of the affordable units is appropriate.

14.8.5 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's

general stance is that this should equate to approximately 50% of the dwellings.

14.8.6 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 6 of the 6 market dwellings proposed comprise of 4 bedrooms or more which equates to 100%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide more 2- bedroom market dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.

14.8.7 It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). Plot 8 has been designed to comply with these requirements.

14.9 G. Neighbouring Amenity (GEN2, GEN4, ENV11, and the NPPF)

14.9.1 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

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

14.9.3 The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings on the opposite side of Lower Way and to the east that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

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

14.9.5 It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2, GEN4 and ENV11.

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

14.10.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.10.2 Access

14.10.3 Vehicle access will be from Lower Way utilising the existing vehicle crossover into the site. The application is supported by a Transport Statement prepared by SLR. This stipulates that safe and suitable access can be provided into the site for both vehicles and pedestrians. The proposed access point will take the form of a 6m wide driveway for at least the first 8m into the site and will have a turning provision for all vehicles that will access the site.

14.10.4 As part of the proposals, Lower Way itself is proposed to be widened and improved along the street frontage and up to the junction of Colehills Close to create a carriageway width of 5m. On the road widening the dimension varies between 500mm and 2000mm depending on the position of the widening in relation to the site boundary, a total of about 70m along the boundary of the site. This is proposed to ensure that two vehicles can pass on the lane. With respect to the impact of the proposed widening, this has been accounted for in the detailed landscaping scheme which proposes a replacement mixed native hedge with mature plants chosen for their wildlife value.

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

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

14.10.7 Parking

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

- 14.10.9** The Adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.10.10** Based on the accommodation mix provided, a minimum of 24 off street parking spaces would be required across the development. A total of 32 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. In addition, secure cycling would be provided for each residential unit within the site.
- 14.10.11** All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe, and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.
- 14.11** **I. Landscaping, Arboriculture, Open Space (GEN2, ENV3, ENV8 and the NPPF)**
- 14.11.1** Landscaping:
- 14.11.2** All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.
- 14.11.3** The proposals include a landscaping scheme, incorporating both private and public open space areas. This will help to retain the rural nature of the site and provide a visual buffer between the development and the houses opposite maintaining the arcadian nature of the development.
- 14.11.4** The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

14.11.5 Arboriculture:

14.11.6 The application is supported by an Arboricultural Impact Assessment. This confirms that the development will result in the removal of:

Category A: 0 trees

Category B: 4 trees and 1 group of trees

Category C: 6 trees, 1 group of trees and 3 hedgerows

Category U: 4 trees and 2 groups of trees

14.11.7 The majority of the proposed removals are trees situated along the southern (front) boundary adjacent Lower Way, which is to facilitate road widening adjacent this boundary. The majority of the removals are trees of low quality or diseased or dying. By way of mitigation, it is proposed as part of the landscaping proposals, 45 new trees and numerous hedges, shrubs and herbaceous plants are to be planted for compensation of the vegetation proposed to be removed.

14.11.8 All other trees to be retained will be protected during construction works by way of tree protecting fencing and ground protection.

14.11.9 Open Space:

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

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

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

14.12 **J. Nature Conservation (GEN7 and the NPPF)**

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

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

- 14.12.3** The applicant has submitted an Ecological Appraisal including a protected species assessment for bats and reptiles and detailed, and an Ecological Mitigation supporting document. The supporting documentation stipulates that the proposed development would not have a harmful effect on wildlife, designated sites, or other landscape elements of importance to nature conservation and includes measures to secure biodiversity enhancements.
- 14.12.4** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. Place Services ecologist have reviewed the supporting Preliminary Ecological Appraisal and further supporting documentation submitted in support of the proposals in detail and has assessed the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 14.12.5** The planting scheme has been designed to increase the ecological benefits of the site.
- 14.12.6** Place Services ecologist confirms that the mitigation measures identified in the Preliminary Ecological Appraisal including a Protected Species Assessment should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly bats, Badger, birds, mobile mammal species and amphibians. They also stipulated that they support the proposed reasonable biodiversity enhancements including a mixture of bird and bat boxes, hedgehog nesting boxes, habitat piles as well as native planting which has been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.
- 14.13** **K. Contamination (ENV14 and the NPPF)**
- 14.13.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that they had no objections to the scheme in respect to contamination.
- 14.13.2** **L. Flooding & Drainage (GEN3, and the NPPF)**
- 14.13.3** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

14.13.4 Flooding:

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



Figure 1: Extract from Environmental Agency showing Flood Zones.

14.13.6 Due to the site falling within Flood Zones 2 and 3 the need for a Sequential Test is required to demonstrate that there are not any reasonable alternative sites that are available in areas with a lower probability of flooding to accommodate the type of development and land use proposed.

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



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

- 14.13.8** The above sites were found not suitable due to either access constraints, inappropriate scale, and layout, or lying in Flood Zones 2 or 3 and thereby they were considered as not being sequentially preferred sites in Clavering for the proposed development. However, it is acknowledged that the Sequential Test undertaken by the applicant is rather limited and only covers the area of Clavering. It could be contended that a wider search area should have formed part of the Sequential Test.
- 14.13.9** If the application is concluded to pass the Sequential Test, one must thereafter consider the Exception Test in which paragraph 164 of The Framework requires that to pass the Exception Test it should be demonstrated that (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 14.13.10** As set out in Section 16 of this report (Planning Balance and Conclusion) it is considered that the proposals would deliver material planning benefits that would outweigh the potential of flood risk on the site or elsewhere and thereby complying with point (a) above.
- 14.13.11** Referring to point (b) above, and as further demonstrated below, all the proposed dwellings will be located within Flood Zone 1 once altered site levels and flood defensive measures are considered ensuring the development will be a safe place to live for its lifetime. It is thereby considered that the Exception Test is passed.

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

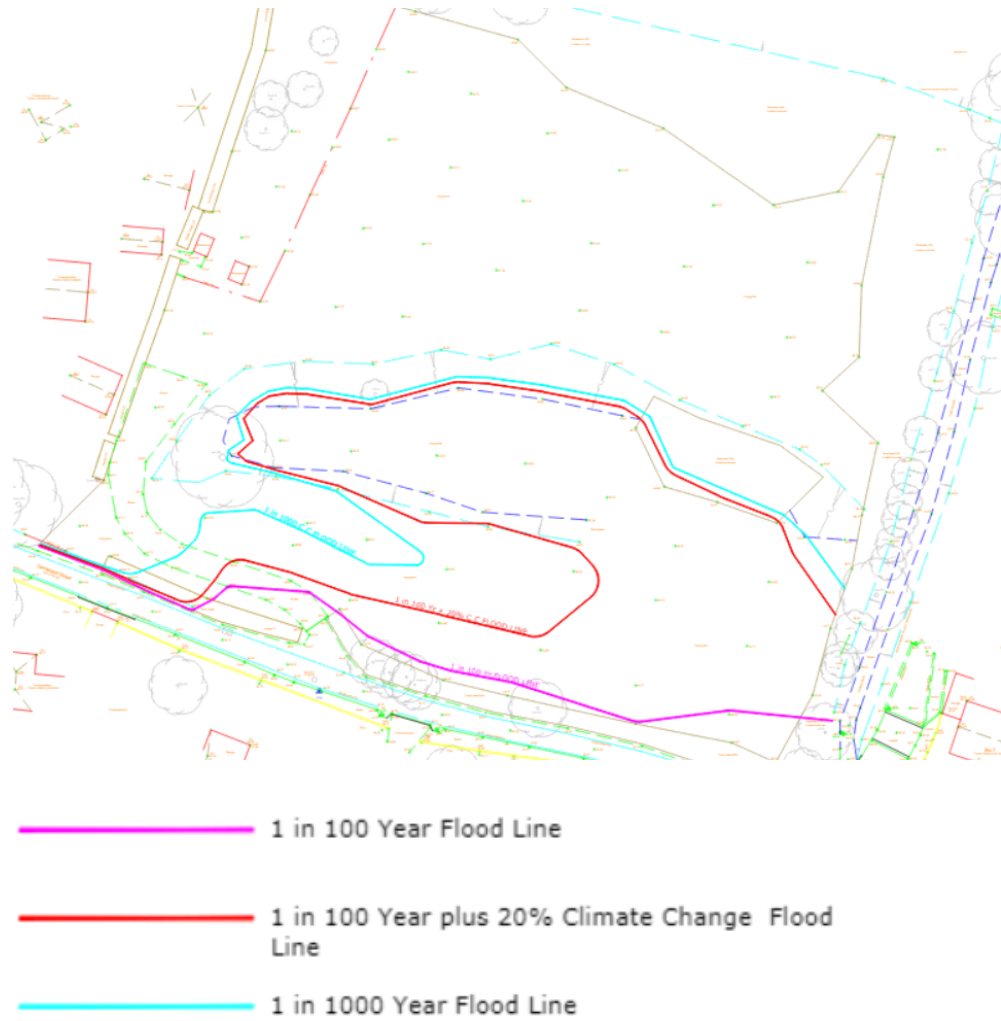


Figure 3: Site Survey and Modelled Flood Lines.

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

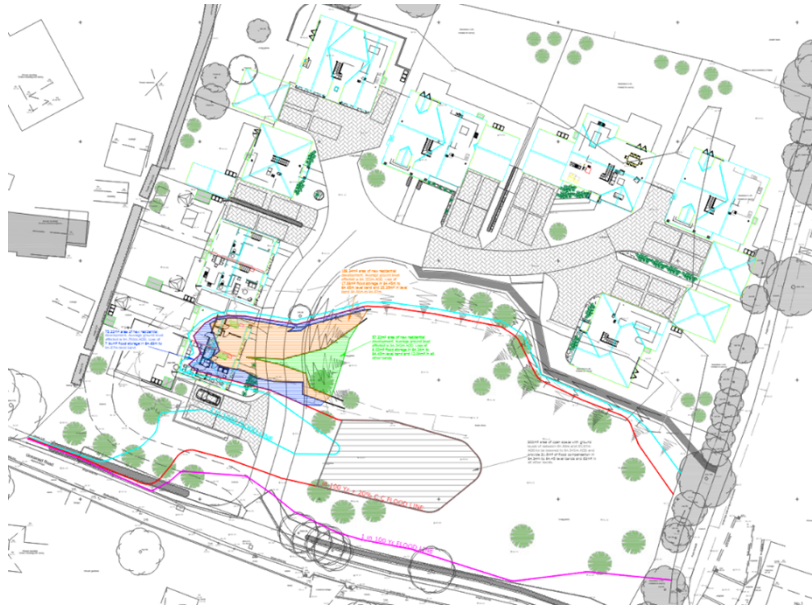


Figure 4: Site Survey and Modelled Flood Lines overlaid onto Proposed Site Plan.

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



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

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

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

- 14.13.20** The Flood Risk Assessment considers that the majority of the site is at low risk of fluvial flooding from any source, with a limited risk along the southern boundary and low area in the south only.
- 14.13.21** It is acknowledged that that the vehicle access will remain in Flood Zones 2 and 3. On balance it is considered that in the event of a significant event, occupants would be provided with safe place of refuge within the dwellings themselves. Any significant flooding would be short term. Furthermore, the vehicle access points of those dwellings on the opposite side of Lower Way also lie in Flood Zones 2 and 3.
- 14.13.22** The applicant has provided a Flood Warning and Excavation Plan attached at Appendix 11 of the FRA which can be implemented in order for the occupants can leave the site in advance of any potential event in which any access may be become impassable.
- 14.13.23** As indicated in Section 8 of this report, an important material consideration in the merits of this application is that no objections or concerns have been raised by the Environmental Agency in relation to the potential of flooding either within the site or elsewhere because of the proposals.
- 14.13.24** Drainage:
- 14.13.25** 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.
- 14.13.26** A Sustainable Urban Drainage System (SuDS) is proposed that would drain surface water into the ground via on-plot soakaways, permeable paving and an infiltration basin in the area of public open space that would sustainably accommodate surface water run off from the site plus a further 40% storage capacity to account for climate change.
- 14.13.27** Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and Drainage Strategy which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.
- 14.13.28** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

14.14 M. Planning Obligations (the NPPF)

14.14.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 14.14.2**
- Affordable Housing: 40% affordable housing (split across the affordable rent and intermediate tenures).
 - Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
 - Payment of the council's reasonable legal costs.
 - Payment of monitoring fee.

14.15 N. Other Issues

14.15.1 Air Quality and Pollution

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

14.15.3 A review of the potential impact of the proposed scheme on air quality confirmed that the site is not within an existing Air Quality Management Area (AQMA).

14.15.4 The proposed development will not materially impact on queuing traffic or congestion. It is therefore concluded that the residual effects of the proposed development in relation to air quality are negligible and the proposed development complies with national and local policy for air quality subject to imposing conditions if permission is granted for the development to provide appropriate mitigation measures such as providing all dwellings with electric vehicle charging points.

14.15.5 Energy and Sustainability

14.15.6 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure.

14.15.7 The applicant outlines technologies and strategies to achieve and meet the targets in the SPD. The applicant has also confirmed that they are committed to securing the installation of on-plot electric vehicle charging infrastructure as part of the strategy to reduce carbon emissions and promote sustainable travel. The applicant also confirms that the properties will be built with sustainability in mind with air source heat pumps, high levels of insulation and water efficient fittings which can be secured by way of conditions if permission is approved.

14.15.8 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting, and orientation of the buildings. Conditions are suggested in Section 17 to secure appropriate technologies and strategies to achieve and meet the targets in the SPD.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16.1 **CONCLUSION**

- 16.1.1** With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.
- 16.1.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby they still carry reasonable weight.
- 16.1.3** In respect to addressing the benefits of the proposed development, the provision of 10 dwellings including 4 of these being affordable housing would represent a modest boost to the district’s housing supply, mindful of the housing land supply situation and the need for housing in the district.
- 16.1.4** Significant new public open space and play equipment in excess of the open space standards is to be delivered. A quantifiable on-site biodiversity net gain of at least 10% is to be achieved.
- 16.1.5** The central area of the site (public open space) will include an on-site flood compensation area that would provide an increase of more than 68 cubic metres in flood storage capacity for the site and will help ensure that the downstream of flooding is reduced which is a benefit of the proposed development.
- 16.1.6** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy.
- 16.1.7** The proposed dwellings would be built with sustainability in mind with air source heat pumps, high levels of insulation, electric vehicle charging points, and water efficient fittings.
- 16.1.8** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.1.9** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance

of the countryside. This would have limited to modest negative environmental effects.

- 16.1.10** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of the adjacent Clavering Conservation Area. Thereby it would result in 'less than substantial harm' to the setting of this heritage asset which has been deemed to be of a 'low to modest' harm on the spectrum.
- 16.1.11** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.1.12** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.1.13** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.1.14** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)
 - Monitoring cost

17.3 The applicant be informed that the Committee be minded to refuse planning permission for the reasons set out below unless by 15th August 2023 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

- 17.4**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)

- Monitoring cost

17.5 In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

17.6 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the lack of delivery of the following mitigation:

- 17.7**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)
 - Monitoring cost

CONDITIONS

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

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

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

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

3 The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. 1169-04A unless otherwise agreed in writing by the Local Planning Authority.

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

4 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing

- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) the parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- M) routing strategy for construction vehicles

All works shall be carried out in accordance with the approved CEMP thereafter.

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

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

- 5** No construction works shall be carried out on, nor machinery operated on, nor materials be delivered to the site at any time on Sundays or Public Holidays, or before 8:00am or after 6:00pm on Monday to Friday or before 9:00am or after 1:00pm on Saturdays.

REASON: to Protect the amenities of adjoining residents in accordance with Policies GEN2 and GEN4 of the Adopted Local Plan and the National Planning Policy Framework.

- 6** Prior to the occupation of the development hereby approved, details of any external lighting to be installed on the site, including the design of the lighting unit, and supporting structures, and the extent of the area to be illuminated, shall be submitted and approved in writing by the Local Planning Authority. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties and the character of the surrounding area in accordance with ULP Policies ENV11, GEN2 and S7 of the Uttlesford Local Plan as Adopted and the National Planning Policy Framework.

- 7 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out.

REASON: to ensure the health of future occupiers in accordance with Policy ENV14 of the Adopted Local Plan and the NPPF.

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

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm event up to and including the 1 in 100 year plus 40% climate change event.
- A 10% allowance should be provided in storage calculation for urban creep.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculation for all area of the drainage system
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance route, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting and minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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

- 9 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during

construction works and prevent pollution has been submitted to, and approved by the Local Planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and 170 state that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below ground level, this will cause additional water to be discharged. Furthermore, the removal of topsoil during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before the commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

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

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

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

- 12** Prior to occupation of any dwelling, the provision of an access formed at right angles to Lower Way, to include but not limited to: minimum 6 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as

measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 13** Any boundary planting fronting Lower Way and the byway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 14** Prior to occupation of the development, the proposed local widening of the carriageway, as shown in principle on DWG no. 001 Rev. 4 (Titled - Proposed Site Access), shall be provided. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 15** Prior to occupation of the development, the provision of a 2 metre footway (where achievable) from the pedestrian site access (at the south-eastern site boundary) extending to the east along Lower Way and B1038 High Street to the proposed pedestrian crossing point of B1038 High Street, to include two pedestrian dropped kerbs crossing points across Colehills Close and B1038 High Street (with appropriate tactile paving as necessary), and provided with clear to ground visibility splays, as shown in principle on DWG no. 001 Rev. 4. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interest of highway safety and accessibility and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 16** Prior to occupation, the internal footway along the southern edge of the site (parallel to Lower Way), from internal access road to byway no. 75 (Clavering), shall be constructed with an all-weather bound surface, and be maintained in good repair thereafter.

REASON: To ensure the safe passage of pedestrians, in the interests of accessibility and pedestrian safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 17** The proposed steps from byway no. 75 (Clavering) into the development site, as shown in principle on DWG no. 1169-02 Rev. C, must be set clear of the highway boundary and definitive width of the public byway.

REASON: In the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 18** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.
- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.
- viii. shall specify the provisions to be made for control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2 and GEN4 of the Adopted Local Plan and the NPPF.

- 19** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided and in accordance with Policy GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

- 20** Dwellings shall not be occupied until such time as their associated cycle parking in accordance with Adopted Parking Standards has been provided.

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

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

- 23** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology Consultancy Ltd., April 2022) and Landscape & Planting Design, drawing (Prepared by Samuel Moore, November 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 24** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and

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

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

- 25** A minimum of a single electric vehicle charging point shall be installed for each new dwelling. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Adopted Local Plan and the NPPF.

- 26** Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

If within a period of 5 years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree, shrub or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

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

- 27** Prior to commencement of the development hereby approved, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

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

Appendix 1 – Statutory Consultee Responses

Highway Authority

Your Ref: UTT/22/1718/FUL
Our Ref: 31333
Date: 20th December 2022



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

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1718/FUL
Applicant Artisan (UK) Developments Limited And Turnwood Heritage Limited
Site Location Land West Of Colehills Close Middle Street Clavering
Proposal Full planning application for the erection of 10 no. dwellings, with associated landscaping, access and parking

SUPERSEDES PREVIOUS RECOMMENDATION DATED 29TH SEPTEMBER 2022

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

1. Prior to occupation of any dwelling, the provision of an access formed at right angles to Lower Road, to include but not limited to: minimum 6 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety.
2. Any boundary planting fronting Lower Road and the byway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

3. Prior to occupation of the development, the proposed local widening of the carriageway, as shown in principle on DWG no. 001 Rev. 4 (Titled - Proposed Site Access), shall be provided. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interests of highway safety.

4. Prior to occupation of the development, the provision of a 2 metre footway (where achievable) from the pedestrian site access (at the south-eastern site boundary) extending to the east along Lower Road and B1038 High Street to the proposed pedestrian crossing point of B1038 High Street, to include two pedestrian dropped kerbs crossing points across Colehills Close and B1038 High Street (with appropriate tactile paving as necessary), and provided with clear to ground visibility splays, as shown in principle on DWG no. 001 Rev. 4. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interest of highway safety and accessibility.

5. Prior to occupation, the internal footway along the southern edge of the site (parallel to Lower Road), from internal access road to byway no. 75 (Clavering), shall be constructed with an all-weather bound surface, and be maintained in good repair thereafter.

Reason: To ensure the safe passage of pedestrians, in the interests of accessibility and pedestrian safety.

6. Prior to occupation of the development, the pedestrian access onto byway no. 75 (Clavering) shall be provided at its centre line shall be provided with a clear to ground visibility splay as shown in principle on DWG no. 001 Rev. 4. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between pedestrians and those in the existing public highway in the interest of highway safety.

7. The proposed steps from byway no. 75 (Clavering) into the development site, as shown in principle on DWG no. 1169-02 Rev. C, must be set clear of the highway boundary and definitive width of the public byway.

Reason: In the interests of highway safety.

8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

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

- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.

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

9. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. The proposed development does not accord with the Essex Design Guide and as such would preclude / not be considered suitable for adoption by the Highway Authority.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no

mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vii. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- viii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public byway no. 75 (Clavering) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

Note:

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



pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133056
Email: sophie.currey@essex.gov.uk

Lead Local Flooding Authority

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



Lindsay Trevillian
Uttlesford District Council
Planning Services

Date: 29 June 2022
Our Ref: SUDS-006072
Your Ref: UTT/22/1718/FUL

Dear Ms Trevillian

Consultation Response – UTT/22/1718/FUL - Land West Of Colehills Close Middle Street Clavering Essex

Thank you for your email received on 20 June 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

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

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- A 10% allowance should be provided in storage calculations for urban creep.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
[Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/flood-risk-assessments-climate-change-allowances)



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

Our ref: AE/2022/127201/01-L01
Your ref: UTT/22/1718/FUL
Date: 18 July 2022

Dear Sir/Madam

**FULL PLANNING APPLICATION FOR THE ERECTION OF 10 NO. DWELLINGS,
WITH ASSOCIATED LANDSCAPING, ACCESS AND PARKING**

LAND WEST OF COLEHILLS CLOSE MIDDLE STREET CLAVERING ESSEX

Thank you for your consultation dated 17 June 2022. We have reviewed the application as submitted and have no objection. The applicant may require an Environmental Permit, in order to undertake their development, as detailed below.

Environmental Permitting Regulations

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the River Stort, designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption,
- 'Exclusion',

- 'Standard Risks Permit'
- 'Bespoke permit.'

New forms and further information can be found at:

<https://www.gov.uk/guidance/food-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: foodriskactivity@environment-agency.gov.uk

We trust this information is useful.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Pat Abbott', is centered within a light grey rectangular box.

Mr Pat Abbott
Planning Advisor

Direct dial 0208 4748011

Direct e-mail planning.ipswich@environment-agency.gov.uk

Agenda Item 7



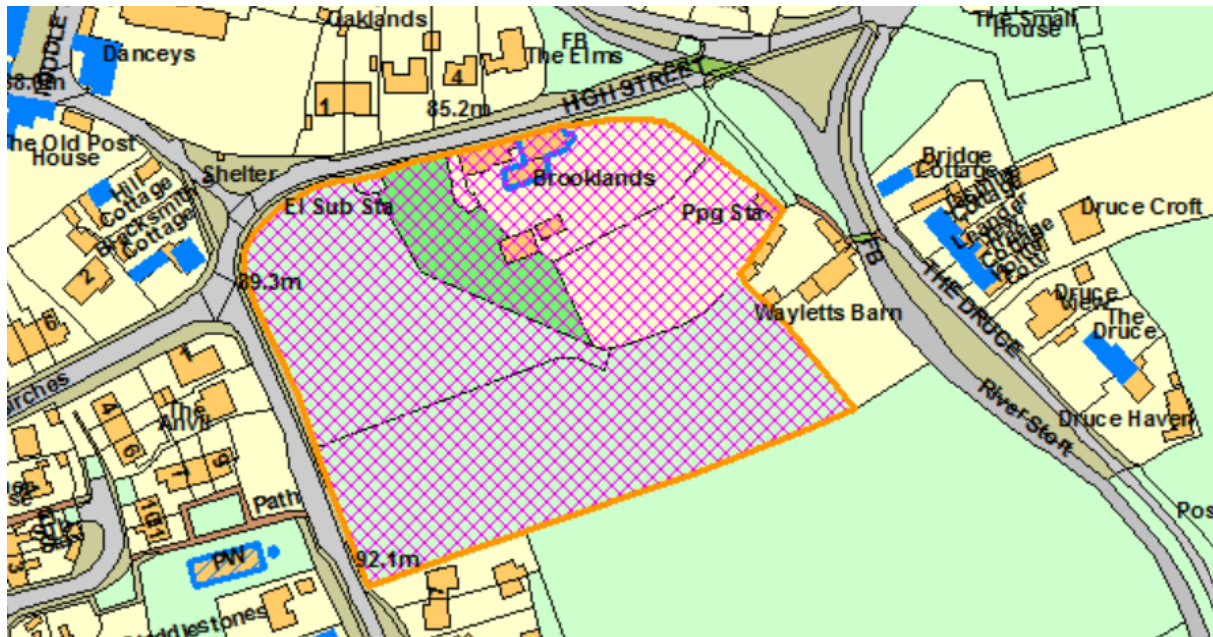
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 22 February 2023

REFERENCE NUMBER: UTT/22/3164/FUL

LOCATION: Brooklands Farm, High Street, Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 08 February 2023

PROPOSAL: Installation of solar panels to provide green electricity to Brooklands Farmhouse.

APPLICANT: Mr John Noble

AGENT: Mr Shannon Fenlon

EXPIRY DATE: 16 January 2023

EOT Expiry Date N/A

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Within Clavering Conservation Area, Adjacent Locally Listed Building.

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Cllr Mr Edward Oliver

1. EXECUTIVE SUMMARY

- 1.1** This full planning application seeks permission for the installation and construction of a linear row of solar panels alongside associated works to generate approximately 16.17 MW of energy annually to supply the existing farmhouse owned by the applicant.
- 1.2** This application is a revised scheme following the decision of the Council to refuse planning permission ref: UTT/21/3394/FUL under delegated powers in January 2022 and then subsequently dismissed at appeal under ref: APP/C1570/W/22/3294001 in September 2022.
- 1.3** The applicant has amended the application to reduce the size and scale of the proposals, reposition the row of panels to a different position, and provide mitigation in the form of additional landscaping to address the previous concerns raised.
- 1.4** However, it has been concluded in this report that as part of undertaken the required balancing exercise as per the NPPF, the proposed amendments have failed to address those previous concerns and that the proposed benefits of the scheme would not outweigh the identified harm. It is concluded that the proposals would amount to harm upon the

character and openness of the countryside and harm to the setting of the Clavering Conservation Area contrary to Policies ENV1 and S7 of the Adopted Local Plan and the National Planning Policy Framework.

2. RECOMMENDATION

<p>That the Director of Planning be authorised to REFUSE for the reasons set out in section 17.</p>
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3. SITE LOCATION AND DESCRIPTION:

3.1 The area of land subject to this planning application relates to the land known as 'Brooklands Farm, High Street, Clavering, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

3.2 The application site is located on the south eastern corner of the High Street and Stortford Road within the centre of the village of Clavering. Residential dwellings are located to the north and west on the opposite side of the highways.

3.3 The site comprises of a detached double story dwelling house that is locally listed and externally finished from painted render. The dwelling is set within extensive private gardens forming the residential curtilage of the site which is screened by a modest size stone wall along the front boundary and a mature hedgerow along the rear boundaries. Located within the curtilage of the site are several ancillary outbuildings and a tennis court. Access to the site is via a shared crossover along the High Street to the east of the dwelling.

3.4 Set behind the residential curtilage is a modest size arable field. The field has been mown for at least the last 20 years, previously used for hay, turf and for occasional grazing. The field has a separate farm access from Stortford Road. A post and rail fence and a low hedge bounds the site to the north and west. The field has a gradual slope that falls away from west to east.

4. PROPOSAL

4.1 This application relates to the installation of solar panels and associated works. The panels will be fixed adjacent to one another in a linear row 23 metres long by 3 metres wide. The panels will have a minimum height of 552mm and a maximum height of 2.356 meters above ground level and will set at an angle of 30 degrees.

4.2 The panel specification has yet to be decided by the applicant in detail, however, the applicant has provided two possibilities that are very similar in a visual sense. Both options comprise of the same size and colour and

as such there is not a significant difference in respect to their visual appearance.

4.3 The row of panels would be set 2 metres away from the existing hedge on the grass field behind Brooklands Farmhouse and is to generate electricity to supply the house with electricity.

4.4 An electric cable will extend to the existing outbuilding within the residential curtilage of the site where an inverter changing Direct Current to AC will be located. The inverter would be located under end solar panels. It is estimated that the proposed development would generate up to 16170 KiloVolt-Ampere (Kva) which amounts to 16.17 Megawatts (MW).

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1 A similar application reference UTT/21/3394/FUL seeking planning permission for the installation of solar panels and associated works was submitted and refused under delegated powers in January 2022. Figure 1 below highlights the proposed block plan that formed part of the refusal.

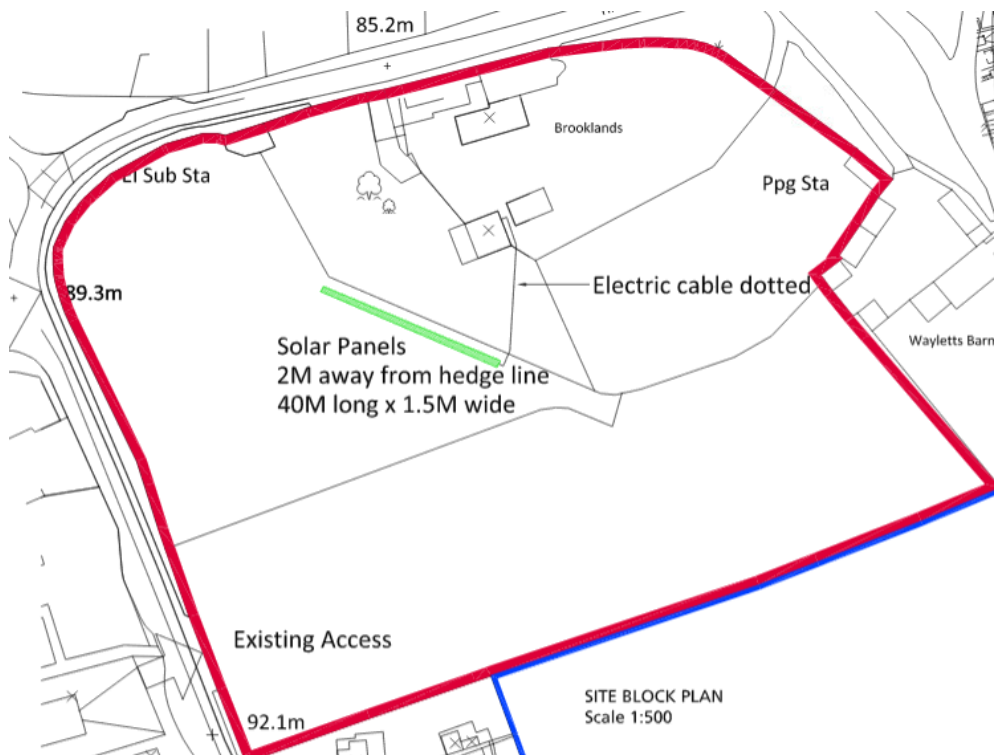


Figure 1: Block Plan submitted as part of refused application ref: UTT/21/3394/21.

6.2 The above application was refused for two reasons relating to harm upon the setting of the Clavering Conservation Area and harm upon the openness and character of this part of the countryside due to the developments location, size, and scale contrary to Policies ENV1 and S7 of the Adopted Local Plan and the National Planning Policy Framework.

6.3 The application was thereafter subsequently appealed ref: APP/C1570/W/22/3294001 whereby the Inspector dismissed the appeal in September 2022 agreeing with the Councils reasons for refusal. A full copy of the Inspector's decision is provided in Appendix 1 of this report.

6.4 As a result of the above refused and dismissed appeal, the applicant has submitted this revised application to address the previous reasons of refusal. This main revision includes reducing the length of the panels from 40m to 23m, position the panels approximately 38m further to the east, and provide further mitigation to reduce the visual impacts by providing natural screening in the form of a 12m long hornbeam hedge and 2 Quercus trees.

7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No pre-application advice was sought by the applicant with the Local Planning Authority prior to the submission of this application and no information has been provided as to whether the applicant undertook any community consultation.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 There was no statutory duty to consult any relevant statutory consultees regarding the proposals.

9. PARISH COUNCIL COMMENTS

9.1 Clavering Parish Council confirmed in their formal response that they have no comments to make regarding the proposals.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No Objection

10.1.1 The Environmental Protection Team have no objections to the proposed development.

10.2 Place Services (Conservation and Heritage) – Concerns Raised

10.2.1 The Conservation Officer acknowledges the revisions made by the applicant to reduce the size of the proposals and their repositioning, and the proposed mitigation measure to address previous reasons of refusal, however, confirms that the comments made by the Inspector have not been overcome.

10.2.2 The Conservation Officer remains concerned that the proposals would still fail to preserve the character and appearance of the conservation area and the rural character of this part of the settlement. The officer concludes that the harm to the conservation area would be 'less than substantial' harm and thereby paragraph 202 of the Framework being relevant.

10.3 Place Services (Ecology) – No Objection

10.3.1 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.

10.3.2 They concluded that the mitigation measures identified the Ecological Appraisal (Essex Mammal surveys, November 2021) was appropriate and should be secured by a condition of any consent and implemented in full.

10.3.3 It was also concluded that they support the proposed biodiversity enhancements including the installation of two bird nesting boxes, two solitary beehives and a hedgehog nesting box which have been recommended to secure net gains for biodiversity and should also be secured by way of imposing planning conditions.

10.3.4 Place Services conclude that impacts arising from the development will be minimal such that the proposals are acceptable subject conditions if permission is granted.

10.4 London Stansted Airport Safeguarding Authority – No Objection

10.4.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome safeguarding criteria. We have no objections to this development subject to imposing conditions providing measures to control dust and smoke during construction and demolition.

11. REPRESENTATIONS

11.1 The application was consulted by sending letters to adjoining and adjacent occupiers and displaying site notices on site. No representation from the public have been received by the Council at the time of this assessment.

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 Uttlesford District Local Plan (adopted 2005)
Essex Minerals Local Plan (adopted July 2014)
Great Dunmow Neighbourhood Plan (made December 2016)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Thaxted Neighbourhood Plan (made February 2019)
Felsted Neighbourhood Plan (made Feb 2020)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great & Little Chesterford Neighbourhood Plan (Made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.1.2 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
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN7 – Nature Conservation
- ENV1 – Design of Development within Conservation Areas
- ENV7 The protection of Natural Environment Designated Sites
- ENV8 Other Landscape Elements of Importance for Nature Conservation
- ENV11 – Noise Generators
- ENV15 – Renewable Energy

13.3 Supplementary Planning Document or Guidance

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. Context of presumption in favour of sustainable development**
 - C. Landscape and Countryside Impact**
 - D. Heritage Assets**
 - E. Neighbouring Amenity**
 - F. Biodiversity and Protection of Natural Environment**
 - G. Flood Risk**

14.3 A. Principle of development

14.3.1 Proposals for development of solar farms are assessed against national and local planning policies including National Planning Policy Statements (NPS), National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the statutory Development Plan for Uttlesford District Council.

14.3.2 The principle of solar development is supported in the National Planning Policy Framework (NPPF) which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

14.3.3 The Government expects future low cost, net zero consistent electricity to be made up of prominent on shore and offshore wind and solar,

complemented by technologies which provide power or reduce demand when the wind is not blowing, or the sun does not shine.

- 14.3.4** The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.
- 14.3.5** Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) 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
 - b) approve the application if its impacts are (or can be made) acceptable.
- 14.3.6** All planning proposals and decisions should contribute and enhance the natural and local environment. NPPF paragraphs 174a and 174b require proposals to:
- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 14.3.7** There are several local policies that are relevant to the consideration of a solar farm application. Those being policies S7 and ENV15 of the Adopted Local Plan.
- 14.3.8** The application site is located outside the development limits of Clavering within open countryside and is therefore located within the Countryside where policy S7 applies.
- 14.3.9** 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.

- 14.3.10** Policy ENV15 of the Uttlesford Local Plan which states that small scale renewable energy development schemes to meet local needs will be supported providing it can be demonstrated that they do not adversely affect:
- I. The character of sensitive landscapes;
 - II. Nature conservation interests; or
 - III. Residential and recreational amenity.
- 14.3.11** The supporting text for Policy ENV15 states that schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.
- 14.3.12** In May 2021, the Council published its draft Solar Farm Development Supplementary Planning Document Consultation Document (draft SPD). The draft SPD contains local guidance on preparing and submitting proposals for solar farms. It also gives guidance on how planning applications should be considered in light of national and local requirements. The SPD was considered at Policy Board on 14th October 2021 where it was agreed to recommend to the Councils Cabinet that the SPD be adopted subject to a schedule of proposed changes.
- 14.3.13** The approach in the NPPF, local planning policies and the draft Solar SPD is to be supportive to the principle of solar energy developments provided that the environmental impacts can be appropriately managed.
- 14.3.14** A key environmental benefit is that the proposal has capacity to generate up to 16.17 MW of renewable energy, however, this is just for the existing farmhouse. The applicant has confirmed that it is very difficult to estimate whether excess power generated will be fed back into the National Grid as this depends on time of consumption, but electric vehicles will take some excess and possibly use of batteries in future. As such, given the lack of clarity, it can only be assumed that none to very little excess power will be fed back into the grid as a result of the proposals.
- 14.3.15** This in-principle support and the environmental benefit has to be weighed against any environmental and other impacts of the proposal in a balancing exercise. The balancing exercise is a matter of planning judgement.
- 14.3.16** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

14.4 B. Context of presumption in favour of sustainable development.

14.4.1 The NPPF considers that achieving sustainable development means that the planning system has three overarching objectives which are independent and need to be pursued in mutually supportive ways so that opportunities can be undertaken to secure net gains across economic, social and environmental objectives.

14.4.2 The proposal is a renewable energy project which in principle is supported by national and local planning policies due to the benefits it would deliver in reducing greenhouse gas emissions. It would also deliver moderate social and employment benefits by providing employment in the construction phase. However, for the reasons discussed further below, the harm to landscape character, visual amenity and heritage assets would occur resulting in environmental harm.

14.5 C. Landscape and 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 site and the surrounding slopes are visually sensitive to potential new development, with open views possible along across and the wider countryside. There is strong sense of historic integrity, resulting from a wealth of historic buildings and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.

14.5.3 The landscape of the site itself is not particularly unusual and contains features which are present and expected of an arable field. This does not mean however, that the site has no value, and that it is regarded as having a medium to high sensitivity to change.

14.5.4 During the assessment of the previous refused application which was later dismissed (appealed ref: APP/C1570/W/22/3294001), the Inspector in paragraph 4 of their decision (refer to Appendix 1) provides a comprehensive description of the application site stating, *“The field in which the panels would be set is a large open area in a prominent location given its position on the bend of High Street and its junction with Middle Street and Stortford Road. The views of this open and the presence of grassed areas opposite, which includes the bus stop and interpretation boards, makes this a focal point within the conservation area”*.

14.5.5 The Inspector continues stating in paragraph 7 that *“Although care has obviously been taken to reduce the wider visual impact of the panels by setting them well away from the road and against the backdrop of the hedge, they would nevertheless, be apparent from a number of vantage*

points and they would detract from the appearance of this open area. This would be at odds with the rural character of this part of the settlement”.

- 14.5.6** The Inspector summarises the weight that should be afforded to Policy S7 and acknowledges the applicants’ reasons put forward for the panels being located in the countryside rather than in the curtilage of the house in paragraph 10 of their decision. However, the Inspector states that without a comprehensive site selection process it cannot be assumed that the panels need to be in this particular location and thereafter concludes that *“The panels would detract from the character and appearance of this area and would conflict with the policy’s objectives with regard to the countryside”.*
- 14.5.7** Following on, the Inspector in paragraph 14 stipulates that they would be uncertain without a plan showing detail of a proposed hedge and screen could suitability prevent or satisfactorily reduce the visual harm upon the countryside or the conservation area and that it would be inappropriate to impose a condition given the scale of the site without greater detail.
- 14.5.8** Importantly the Inspector acknowledges that in any event, if natural screening formed part of the proposals, they were not certain that the short-term measures suggested would adequately address the short to medium term concern whilst the hedgerow is established as this would take some years regardless of the size of the initial hedging.
- 14.5.9** To address the concerns raised by both the Council and the Inspector regarding the previous scheme, the applicant has revised this current scheme. These alterations include:
- a) The positioning of the panels has been amended so they are located further east, where the topography of the land is lower than previously to reduce the visibility.
 - b) The solar panels proposed measure 23m in length by 3m in width. The previous refused scheme proposed a linear row consisting of 40m by 1.5m.
 - c) The proposal includes a 12m Hornbeam Hedge and 2 No. Quercus trees which have been planted in advance of the submission of the application and a new willow fence.
- 14.5.10** Although it acknowledged that the proposed amendments as per above would be an improvement to the scheme that was refused and later dismissed, concerns remain.
- 14.5.11** Although the position of the panels further to the east by 38m would be on a slightly lower section of ground and further located away from the junction of Stortford Road and High Street, the panels would still be viewed from public vantage points, such as the entrance gate serving the field, adjoining properties and from higher ground near the chapel along Stortford Road. The reposition, although considered to be in more of a

favourable location, provides little to no improvement to the visual harm of the scheme.

- 14.5.12** Under the previous refused scheme, the linear row of panels measured 40m by 1.5m (60sq.m) as stipulated on the supporting drawings and was estimated to produce approximately 13.8 MW annually.
- 14.5.13** This revised scheme has reduced the length of the panels from 40m to 23m. However, the width of the panels as shown on drawing ref: NOB059 221536DWG001 B stipulates that the width of the row of panels will now be 3m resulting in 69sq.m of panels which will generate 16.17 MW of energy.
- 14.5.14** Although it is acknowledged that the length of the linear row of panels has been reduced, given the increase width of the panels from 1.5m to 3m, this in fact result in a larger displacement of panels compared to that of the previous refused application. This is also confirmed that the proposals will generate more energy 16.17 MW compared to 13.8 MW as previously.
- 14.5.15** It is acknowledged that a 12m Hornbeam Hedge and 2 No. Quercus trees have been planted as indicated on drawing ref: NOB059 221536DWG001 B. However, as the Inspector refers to in their decision notice and as pointed out above, the planting would take some years to mature and thereby would not adequately address the short to medium term concerns regarding their visibility.
- 14.5.16** Furthermore, the proposed mitigation measures including the willow fence would also detract from the appearance of this open area and obstruct views out towards the countryside.
- 14.5.17** It is thereby considered that the proposed revisions whether individually or collectively would not overcome the previous concerns raised by the Council or the Inspector.
- 14.5.18** The proposal will lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and loss of character.
- 14.5.19** Although tucked against the existing hedgerow, the size and length of the row of panels is considered to detrimentally alter the character of the locality and would result in a substantial change in the sites character. The proposal would undermine the rural setting of the area and the tranquil nature of a site. The development of the site will impact upon the characteristic views across the enclosed meadow field.
- 14.5.20** The proposed development would result in a detrimental impact to the character and appearance of this part of the countryside contrary to policy S7 of the adopted Local Plan and the NPPF.

14.6 D. Heritage Assets

- 14.6.1** The application site is located within the Clavering Conservation Area and the farmhouse is a locally listed building (Ref: 022) and has been identified as a building which makes a positive contribution to the Conservation Area.
- 14.6.2** Policy ENV1 states *“Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open spaces and their enclosure, grain of significant natural or heritage features”*. The guidance contained within Section 16 of the NPPF, ‘Conserving and enhancing the historic environment’, relates to the historic environment, and developments which may have an effect upon it.
- 14.6.3** There is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in accordance with section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. This does conflict to a degree with the policy, which says character and appearance. As such it is regarded that Policy ENV1 can be given moderate weight.
- 14.6.4** Important to the merits of this revised scheme are the comments and conclusions made by the Inspector in their decision of the previous refused scheme in respect to harm upon the Clavering Conservation Area.
- 14.6.5** The Inspector stated in paragraph 5 of their decision *“The proposed row of panels would be clearly evident from the junction of Stortford Road with High Street, beyond the three-bar fence, particular from the footpath at the point where the hedge along Stortford Road begins. Although the panels would be set at an angle which would shorten their perceived length; and they would be of a height that would be below that of the hedge behind them, they would nevertheless be an intrusive and uncharacteristic feature when viewed from the central part of the conservation area”*.
- 14.6.6** The Inspector follows in Paragraph 7 of their decision that *“The proposal would fail to preserve or enhance the character or appearance of the conservation area”*.
- 14.6.7** The Inspector concludes in in paragraph 11 that *“Overall, with regard to the development plan, I find clear conflict with policy ENV1. Whilst I have had regard to all of the benefits of the proposal, I am not satisfied that these are sufficient to outweigh this concern”*.
- 14.6.8** The application was consulted to Place Services conservation officer who stated:

- 14.6.9** *“As established from the previously refused application and by the Inspector at appeal, the field within which the panels would be set is a large open area in a prominent location. The open areas within the village, that provide links to the countryside, contribute positively to the character of the conservation area. Additionally, the views of this open area and the presence of grassed areas opposite make this a focal point within the conservation area”. The Inspector within point nine identified the open character of the site and its surrounds to be an essential feature of the conservation area.*
- 14.6.10** *I acknowledge the length as been reduced to 23 metres however I do not consider the comments from the Inspector to have been overcome. There remains concern that the proposed row of panels would be clearly evident from the junction of Stortford Road with High Street and would be an intrusive and uncharacteristic feature when viewed from this central part of the conservation area. It is noted that mitigation measures such as a new hedge row and a willow fence are proposed however this would also detract from the appearance of this open area and obstruct views out towards the countryside. As stated within point seven of the dismissed appeal, the proposal ‘would be at odds with the rural character of this part of the settlement. The proposal would fail to preserve or enhance the character or appearance of the conservation area’. I consider this point to remain relevant given the widely similar scheme presented.*
- 14.6.11** *It should also be noted that a comprehensive site selection process has not been demonstrated and that this was a comment raised by the Inspector previously, ‘in the absence of a comprehensive site selection process, I cannot assume the panels needs to be in this particular location’. I suggest other alternative locations are explored such as within the garden curtilage of Brooklands.*
- 14.6.12** *To conclude, the harm to the conservation area would be less than substantial, Paragraph 202 of the NPPF being relevant. The proposals are considered to fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990”.*
- 14.6.13** *It has been found that the proposals will result in ‘less than substantial harm’ to the significance of the Clavering Conservation Area as identified by the conservation officer whereby Paragraph 202 of the NPPF being relevant.*
- 14.6.14** *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.

- 14.6.15** It has been submitted by the applicant that the proposals will provide public benefits by helping to support the renewable technology sector providing employment opportunities, will enable a reduction in greenhouse gas emission which contributes towards climate change, and that any potential excess energy back into the National Grid which offers wider environmental benefits for the community.
- 14.6.16** The Council acknowledges that the proposals will help meet some aspects of the Environmental Strand as outline in the NPPF (para 8) in that it would help mitigate climate change because of renewable energy and reduce carbon emissions which weight in favour of the proposals. However, this is just one aspect of the above the Environmental Strand of sustainable development. .
- 14.6.17** The proposals would not meet other objectives of the Environmental Strand of what constitutes as sustainable development as it would result in negative environmental effects on the character and appearance of this part of the countryside and harm upon the setting of the conservation area.
- 14.6.18** In respect to the comments regarding excessive power being fed back into the Grid, the applicant has confirmed that it is very difficult to estimate the amount if any excess power generated will be fed back into the National Grid. Given the lack of clarity in whether there would be any excess power, it can only be assumed that none to very little excess power will be fed back into the grid as a result of the proposals and thereby very limited weight can be given in respect to public benefits can be given to this fact.
- 14.6.19** It is concluded that the limited benefit would not overcome the identified harm upon the heritage asset identified as above. The proposals are thereby contrary to policy ENV1 of the adopted Local Plan and the NPPF.

14.7 E. Neighbouring Amenity

- 14.7.1** 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.
- 14.7.2** The nearest group of dwellings are those located along the opposite side of Stortford Road to the west, a row of dwellings to abutting the site to the south that front onto Stortford Road and to the north of the High Street.
- 14.7.3** The proposal would be visible from several of nearby residential properties. The panels themselves, being a single row of panels 23m in

length by 3m wide are not considered to be overbearing in relation to proximity from existing residential properties. The solar panels are not considered to harmfully affect nearby residential amenity by way of adverse glint or glare to warrant a reason for refusal on this ground.

14.7.4 Council's Environmental Health Officer raise no objections to the proposal, and it is not considered that the proposal would lead to material adverse impacts on noise.

14.8 F. Biodiversity and Protection of Natural Environment

14.8.1 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.

14.8.2 The application site itself is not subject of any statutory nature conservation designation being largely used as an arable land. The application was consulted to Place Services ecologist who confirmed that they had no objections to the proposals and were satisfied with the proposed mitigation.

14.9 G. Flood Risk

14.9.1 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.

14.9.2 Most of the development is solar panels which are supported on piled struts, and thereby the surface area of the site is comparatively small and raised above natural ground level.

14.9.3 A check of the Environmental Agency's website and the Councils policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing. It is considered that the proposals would not lead to flood risk of the site or on other sites nearby.

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 AND PLANNING BALANCE

16.1 It is acknowledged that the applicant has made several amendments to the scheme that was previously refused and thereafter dismissed at an appeal. However, it is considered that although a slight improvement, the revised proposals have not overcome the previous concerns raised by both the Council and the Inspector.

16.2 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.

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

16.4 In respect to addressing the benefits of the proposed development, a key environmental benefit is that the proposal has capacity to generate up to 16.17 MW of renewable energy for the existing farmhouse. This in-principle supports an environmental benefit. However, it has not been confirmed by the applicant as to whether any excess power generated

from the proposals will be feed back into the National Grid and as such no to very little weight can be given.

- 16.5** The development would provide some economic in terms of the construction of the development and further consideration has also been given in respect to the net gains for biodiversity.
- 16.6** Thus, taken these together, moderate weight to the benefits of the development have been considered.
- 16.7** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of the Clavering Conservation Area contrary to Paragraph 202 of the NPPF. Thereby it would result in 'less than substantial harm' to the setting and significance of heritage asset. It has also been identified that due to its size and position, inappropriate harm would occur to the character and openness of this part of the countryside.
- 16.8** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.
- 16.9** For the reasons given above, the proposals would be contrary to policies S7 and ENV2 of the adopted Local Plan and the NPPF. The application is therefore recommended for refusal.

17. REASONS FOR REFUSAL

- 1** The application lies within the Clavering Conservation Area. The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

The proposals are for a large installation of solar panels in a visually prominent location within the Conservation Area, which has been identified as an important open space. The proposed location and scale of the proposals would have an industrialising effect which would adversely impact the rural character and appearance of the Clavering Conservation Area, resulting in a level of less than substantial harm.

REASON: Having regard to the guidance in paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the setting of the designated

heritage asset. The proposals are thereby contrary to policy ENV1 of the Adopted Local Plan and the National Planning Policy Framework.

- 2** The proposal would introduce a sizeable new development to an area of open countryside and would result in an unnatural extension of built form in the locality. The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area.

REASON: The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to policy S7 of the Adopted Local Plan and the National Planning Policy Framework.



Appeal Decision

Site visit made on 15 August 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/C1570/W/22/3294001

Brooklands Farm, High Street, Clavering, Saffron Walden, Essex CB11 4QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Noble against the decision of Uttlesford District Council.
 - The application Ref UTT/21/3394/FUL, dated 17 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is the installation of solar panels to provide green electricity to Brooklands Farmhouse.
-

Application for Costs

1. An application for costs was made by Mr John Noble against Uttlesford District Council. The cost application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of Clavering Conservation Area.

Reasons

4. The proposal would result in a row of solar panels 40 metres long, set against the backdrop of a hedge within a field that lies within the southern part of the two areas that make up Clavering Conservation Area. The conservation area is characterised by the generally linear form of this rural village and includes a wide variety of historic buildings, often set in a landscaped setting. The open areas within the village, that provide links to the countryside, also contribute positively to the character of the conservation area. The field within which the panels would be set is a large open area in a prominent location given its position on the bend in High Street and its junctions with Middle Street and Stortford Road. The views of this open area and the presence of grassed areas opposite, which includes the bus stop and interpretation boards, make this a focal point within the conservation area.
 5. The proposed row of panels would be clearly evident from the junction of Stortford Road with High Street, beyond the three-bar fence, particularly from the footpath at the point where the hedge along Stortford Road begins.
-

Although the panels would be set at an angle which would shorten their perceived length; and they would be of a height that would be below that of the hedge behind them, they would nevertheless be an intrusive and uncharacteristic feature when viewed from this central part of the conservation area.

6. I acknowledge that views would be more limited when moving further along the field boundary footpath adjacent to High Street to the north due to the angle of view; and from the south due to the position of the Stortford Road section of field boundary hedge. Similarly, the views from the bus stop and when approaching from Middle Street would also offer only a small angle of view, limiting the perceived scale of the works. Views from further up Stortford Road would be obscured from the road and pavement by the hedge, although some views would be available when passing the field gate. There would also be limited views from the raised area to the front of the chapel. The photographs provided by the appellant, from the position of the proposed panels, suggest that there would be some visibility from a number of residential properties.
7. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Although care has obviously been taken to reduce the wider visual impact of the panels by setting them well away from the road and against the backdrop of the hedge, they would nevertheless, be apparent from a number of vantage points and they would detract from the appearance of this open area. They would be at odds with the rural character of this part of the settlement. The proposal would fail to preserve or enhance the character or appearance of the conservation area.
8. The production of green energy is a matter that I afford considerable weight. I am also mindful that other options have been considered by the appellant with regard to solar production within the curtilage of the house but these have been found to be impractical. Given the status of the house, this is also a matter that weighs in favour of the development. The proposal would represent a relatively large domestic array but would be small in comparison to commercial proposals. The scale of the benefits are commensurate with its size. Although the council have noted that it has not been identified how much surplus energy would be likely to be available once the requirements of the house, swimming pool and vehicles have been provided for, it would in any event, reduce emissions locally and potentially more generally. There would also be other economic benefits from installation and maintenance. I note too that ecological enhancements are proposed with regard to provisions for wildlife which would also represent a public benefit. I have also had regard to the lack of objections; and the support from the Environmental Health Officer.
9. With regard to the development plan, I find conflict with Policy ENV1 of the Uttlesford Local Plan 2005 (LP) as it would fail to preserve or enhance the character and appearance of the essential features of the conservation area. I find this open area and its surrounds to be such a feature. Although not fully compliant with the heritage requirements of the *National Planning Policy Framework*, the policy is not inconsistent with the legislative duty or the general thrust of the Framework's heritage objectives. I afford it moderate weight.

10. There is dispute as to the weight that should be afforded to LP Policy S7 which seeks to protect the countryside from development unless 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. The appellant has put forward reasons for the panels being located in the countryside rather than in the curtilage of the house, although it is not clear if a range of options, including sites outside the conservation area, were considered. In the absence of a comprehensive site selection process, I cannot assume that the panels need to be in this particular location. The panels would detract from the character and appearance of this area and would conflict with the policy's objectives with regard to the countryside. However, given the inconsistencies between the policy and Framework; and given that I have concerns that the policy was not actually directed at proposals such as this, I afford it limited weight in these particular circumstances.
11. Overall, with regard to the development plan, I find clear conflict with policy ENV1. Whilst I have had regard to all of the benefits of the proposal, I am not satisfied that these are sufficient to outweigh this concern.
12. The Framework is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. The harm to the conservation area would be less than substantial. There would be public benefits with regard to the production of green energy and the associated economic activity associated with installation and maintenance. I have had regard to Framework's support for the transition to a local carbon future. Although I afford considerable weight to the public benefits of green energy production, I am not satisfied that the scale of these benefits would be sufficient to outweigh the harm to the conservation area. The works therefore conflict with the heritage requirements of the Framework.
13. The appellant suggests that as the proposal represents sustainable development the test of paragraph 11(d)(ii) of the Framework that the development must be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, should be applied. Even if the development plan policies were considered to be out of date, paragraph 11(d)(i) would apply. In any event, I do find that the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.
14. I have had regard to the suggestion that a condition could require a planting scheme, particularly a hedge, that would screen the panels from view. The suggestion includes a temporary two metres high willow fence which would be placed behind the hedge to provide immediate screening. Although the correspondence with the planning department includes a reference to a separate plan, I have not been provided with a copy of it. Without full details of the position of a proposed hedge and screen, I am not certain what is anticipated. I am unable to assess if it would prevent or satisfactorily reduce the harm. Given the scale of the application red line, a condition without greater detail would be insufficiently precise in any event. I am also not certain that the short-term measures suggested would adequately address short to medium term concerns whilst the hedge established. This would take some years regardless of the size of the initial hedging whips. As I am not satisfied

that the harm could be prevented and given my conclusions, I dismiss the appeal.

Peter Eggleton

INSPECTOR

Late List –Planning Committee 22/02/2023

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
3	UTT/22/2052/FUL Sector IV Woodlands Park Parsonage Downs Dunmow	NONE
4	UTT/22/1508/DOV Sector 4 Woodlands Park Dunmow	NONE
5	UTT/22/3178/DFO Land East And North Of Clifford Smith Drive Watch House Green Felsted	<p>Conditions 7 and 8 (surface water drainage) attached to UTT/19/2118/OP under UTT/23/0278/doc is recommended for discharge in full and would be discharged under this application.</p> <p>Condition 11 (access arrangements) attached to UTT/19/2118/OP would be discharged under this application.</p> <p>Condition 12 (pedestrian link) attached to UTT/19/2118/OP would be discharged under this application.</p> <p>Condition 17 (Reptile mitigation Strategy) attached to UTT/19/2118/OP UTT/22/3515/DOC is pending.</p> <p>Condition 18 (CEMP Biodiversity) attached to UTT/19/2118/OP .UTT/22/3516/DOC is pending - further information</p> <p>Condition 19 (Reptile mitigation Strategy) attached to UTT/19/2118/OP. UTT/23/0279/ is pending further information.</p> <p>Condition 22 (Energy Statement) attached to UTT/19/2118/OP. UTT/22/3517/DOC discharged in full</p>

6	UTT/22/1718/FUL Land West Of Colehills Close Middle Street Clavering	NONE
7	Brooklands Farm High Street Clavering UTT/22/3164/FUL	NONE

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.