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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 19th April, 2023

Time: 1.00 pm

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

Chair: Councillor S Merifield

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

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

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to make statements relating to applications being determined by the District Council, subject to having given notice by 2pm on the day before the meeting. Please register your intention to speak at this meeting by writing to committee@uttlesford.gov.uk. Please see the section headed "Meetings and the Public" overleaf for further details.

Live Broadcast

Due to the Local Government elections scheduled for 4 May, the Council has now entered the pre-election period. The pre-election period, previously known as 'purdah', describes the period of time immediately before elections or referendums when specific restrictions on communications activity are in place. The term 'heightened sensitivity' is also used. That being the case, the Planning Committee meeting on 19 April 2023 will not be broadcast. Members of the public are still welcome to attend the meeting in-person, and a recording will be uploaded to the website following the election. All other recordings of past meetings will remain on the website as a matter of public record.

AGENDA

PART 1

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 5 - 14
To consider the minutes of the previous meeting.
- 3 UTT/22/1014/OP - Land North of Hammonds Road, HATFIELD BROAD OAK** 15 - 59
To consider application UTT/22/1014/OP.
- 4 UTT/22/3321/OP - Land Rear of Woodene, High Street, LITTLE CHESTERFORD** 60 - 85
To consider application UTT/22/3321/OP.
- 5 UTT/22/1752/FUL - Bluegates Farm, Stortford Road, LITTLE CANFIELD** 86 - 106
To consider application UTT/22/1752/FUL.
- 6 UTT/22/3020/FUL - Newport Road, SAFFRON WALDEN** 107 - 122
To consider application UTT/22/3020/FUL.
- 7 Late List** 123 - 129

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, 5
APRIL 2023 at 10.00 am**

- Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, R Freeman, G LeCount,
M Lemon (Vice-Chair), B Light, J Loughlin and R Pavitt
- Officers in attendance: L Ackrill (Principal Planning Officer), M Bradley (ECC Highways), N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), J Pavey-Smith (Senior Planning Officer), T Simpson (ECC Green Infrastructure and Drainage Manager), L Trevillian (Principal Planning Officer), C Tyler (Senior Planning Officer) and A Vaughan (ECC Case Officer)
- Public Speakers: K Artus, Councillor P Barber (Takeley PC), M Brindley, M Carter, Councillor A Fisher (Hatfield Broad Oak PC), Councillor S Gill (Clavering PC), J Hartley-Bond, D Jones, G Jones, A Martin, Councillor E Oliver, M Peachey, D Poole, K Rickards, J Spencer, G Stainer, F Woods and Councillor M Young (Wimbish PC).

PC299 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

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

Councillor Light raised the issue of the meeting not being broadcast live and was advised to take up the issue with the Deputy Monitoring Officer.

Councillor Bagnall declared that he was a Ward Member for Takeley and a Member of Takeley PC (Items 7 and 15).

Councillor LeCount declared that he was a Ward Member for Elsenham and Henham (Item 9).

Councillor Pavitt declared that he was a Ward Member for Littlebury, Chesterford and Wenden Lofts (Item 17).

Councillors Light and Freeman declared that they were Ward Members for Saffron Walden and Members of Saffron Walden PC (Items 14, 18 and 19).

Councillor Emanuel declared that she was a Ward Member for Newport, an adjoining ward (Item 19).

Councillor Loughlin said that she would recuse herself from Agenda Item 12 as her husband had worked for the applicant.

Councillor Lemon said that he would recuse himself from Agenda Items 12 and 13 as he knew both landowners.

PC300 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 8 March 2023 were approved as an accurate record.

PC301 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report.

The report was noted.

PC302 QUALITY OF MAJOR APPLICATIONS REPORT

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

The report was noted.

PC303 S62A APPLICATIONS

The Head of Development Management and Enforcement presented the S62A Applications report.

The report was noted.

PC304 COMMUNITY INVOLVEMENT PROTOCOL

The Head of Development Management and Enforcement presented a draft Community Involvement Protocol. He said that it had been discussed at the Parish Forum the previous week. He said that the main issue that would be picked up would be training for Parish Councils.

In response to questions, the Head of Development Management and Enforcement said that he would ensure that a review period would be built into the document and that the document should help developers pick up on significant local issues.

Members welcomed the document and agreed that the Community Involvement Protocol be approved for Development Management purposes.

PC305 **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. This application had been deferred at the Planning Committee on 8 March 2023.

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 various questions from Members, officers:

- Confirmed that provision of a medical facility was not a requirement, just a proposal and to be located within the business park. NHS Hertfordshire and West Essex had supported the proposal. In the event of a medical facility not being taken forward then this would have to be brought back to the Committee.
- Clarified the position in respect of the Grampian condition outlined in Condition 25.
- Said that Essex CC Highways had taken potential developments into consideration when assessing additional vehicle movements on Parsonage Road.
- Said that any footpath concerns would be picked up within the S106 conditions.

Members discussed:

- There being no guarantee that a medical facility would be taken forward and that consideration of the application should be based on the business park considerations. It was considered that the NHS had made as much contribution as they could at the current time but were unable to give certainty.
- The Planning balance considerations, particularly the employment benefits.
- There being no objections from consultees and that any possible refusal could not be on S7 or S8 grounds.
- That the site was not isolated and was surrounded on three sides by existing developments.
- Concerns about future traffic movements on Parsonage Road in that no cumulative assessment had been undertaken and the possible impact of commercial vehicles. It was noted that no objections had been raised by Essex CC Highways but that safety mitigation measures could be added in relation to sustainable transport measures.
- The impact on the Woodland and CPZ concerns. Officers stated that a Planning Inspector had assessed the exact site and concluded “minimal” harm to the CPZ.
- The possibilities of better access on foot and cycle and the need for required improvements to the Public Right of Way 40 to bring this to adoptable standards.

- The need for the Community to benefit in the event of a medical facility not being built.

Councillor LeCount proposed that the application be approved in line with the recommendation and on condition that the S106 agreement wording in relation to sustainable transport measures should also include safety measures with an additional condition relating to the footpath around the boundary being a public right of way. In addition there were required improvements to the Public Right of Way 40 to bring this to adoptable standards.

This proposal was seconded by Councillor Emanuel.

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

M Peachey and Councillor P Barber (Takeley PC) spoke against the proposal. D Poole and J Spencer (for the applicants) spoke in support.

The meeting adjourned for a comfort break between 11.45 am and 11.55 am.

PC306 UTT/21/0688/FUL - LAND AT COLE END LANE, WIMBISH

The Senior Planning Officer presented a planning application for the construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping.

This application had been approved by Planning Committee on 6 July 2023, subject to a S106 agreement being brought back to the Committee to be ratified.

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

In response to questions from Members, officers:

- Said that there was currently no model de-commissioning plan and that any plan would be reviewed every five years up to year 39. UDC had not commissioned any experts to look at this but the review periods were crucial. Comparisons were made with de-commissioning plans in respect of minerals and waste.
- Said that an independent expert would assess the structure of the S106 and that it would not come back to this Committee.
- Detailed possible arrangements in respect of bonds or deposits and explained possible scenarios still ensuring the continuance of arrangements over 40 years.

Members discussed:

- The significance of a de-commissioning plan and debated how simple and explicit any legal agreement should be, whilst still maintaining controls. The legal agreement was confirmed to be the S106.
- The need to protect the public sector from picking up excess costs.
- The need to restore the land to its former state at the end of 40 years.

Councillor Emanuel suggested using wording such as “bond or similar instrument”. She then proposed approval of the application together with including a timescale for re-instatement as a condition and the need to re-check the cascade process.

This proposal was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report together with the two additional proposals above.

G Jones and Councillor M Young (Wimbish PC) spoke against the application. J Hartley-Bond (for applicant) spoke in support.

The meeting adjourned for lunch from 1.10 pm and 1.50 pm

PC307 **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 for 99 residential dwellings and associated works to include details required by Conditions 17 and 19 of planning permission reference UTT/19/2470. This matter had been deferred at Planning Committee on 8 February 2023.

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:

- Addressed various safety concerns relating to boundary fences and ditches.
- Clarified concerns relating to Condition 17 and the Noise Impact Assessment.
- Confirmed that previous comments made by the Urban Designer had been addressed.
- Said that no changes could now be made to the Construction Management Plan.
- Confirmed that it would be acoustic fencing in place.

Members were content with the proposal.

Councillor Emanuel said that she was pleased that matters had been addressed and proposed approval of the application. This was seconded by Councillor Bagnall.

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

PC308 **UTT/22/1718/FUL - LAND WEST OF COLEHILLS CLOSE, MIDDLE STREET, CLAVERING**

The Principal Planning Officer presented a full planning application for the erection of 10 dwellings with associated landscaping, access and parking. This matter had been deferred at the Planning Committee on 8 February 2023. He said that the Late List had included additional proposed conditions.

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

Following the public speakers, a comfort break was taken between 2.55 pm and 3.05 pm.

The Principal Planning Officer confirmed that Essex CC had confirmed that the lane was not protected. Reference was also made to an Evacuation Plan.

T Simpson (ECC Green Infrastructure and Drainage Manager) responded to various questions. He said that it could be possible to mitigate the risk of flooding.

A Vaughan (ECC Case Officer) said that ECC had not been out on site but had looked at infiltration testing information that showed no increase in flooding. She said that permeable paving would slow down water flow and that two gullies and water butts would also provide further mitigation.

Councillor S Gill stated that the Environment Agency had previously stated that they would not be looking to dredge the river.

Members discussed:

- The tilted balance pros and cons.
- Major flooding concerns.
- The impact on a very narrow lane.
- The possibility of better locations for ten houses to be built and how significant ten new properties were considered to be.
- Possible future concerns about insuring properties.
- The need for small properties rather than large.
- The dwellings not being in a conservation area but the possible impact on the chalk stream.
- The proposed application being outside development limits.
- The heritage asset.

Councillor Pavitt proposed that the application be refused on the grounds of it being outside of development limits, the impact on the lane adjacent to the Conservation area, heritage issues, lack of infiltration under GEN6 and paragraph 120 of the NPPF.

This proposal was seconded by Councillor Lemon.

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

Councillor E Oliver, F Woods, G Stainer, M Carter and Councillor S Gill (Clavering PC) spoke against the application.

D Jones and M Brindley (for the applicant) spoke in support.

Councillor LeCount had left the room at 3.35 during the discussion and did not vote.

PC309 **UTT/22/3013/OP - HIGHWOOD FARM, STORTFORD ROAD, GREAT DUNMOW**

This item was withdrawn from the Agenda.

Councillors Lemon and Loughlin recused themselves from the next item and left the Council Chamber at 3.50 pm.

PC310 **UTT/21/3298/FUL - LAND SOUTH OF CANNONS LANE, HATFIELD BROAD OAK**

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

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

He said that the Essex CC Highways submission had only come in the previous day.

M Bradley (Essex CC Highways) clarified the Highways position. He said their objections remained in place and that any Grampian condition was planning related rather than Highways. In response to various questions in respect of what was considered to be a narrow road, he said that to improve visibility a hedge would need to be cut back, the road could be widened in places to allow two vehicles to pass and there was no specific footpath or cycle path.

In response to a question, the Principal Planning Officer confirmed that other than the Grampian condition nothing had changed since the previous Committee discussion.

The Head of Development Management and Enforcement said that it was appropriate to use a Grampian condition and outlined how it would work.

Members discussed:

- The concerns previously expressed as possible reasons for refusal contained in the December 2022 Committee report- GEN1 (narrow lane), GEN2 (linear village breached) and S7.
- Possible incursion into the countryside and loss of agricultural land
- Consideration of the Grampian condition.

The Head of Development Management and Enforcement advised that if members were minded to refuse the application then the previous recommended highway reasons for refusal should be included in policies GEN1 & GEN8.

Councillor Emanuel proposed that the application be refused on the grounds of GEN1, GEN2, GEN6, GEN8 and S7.

This proposal was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to refuse permission for the development on the grounds of GEN1, GEN2, GEN6 and S7.

K Artus and Councillor A Fisher (Hatfield Broad Oak PC) spoke against the application. A statement was read out from Councillor N Reeve against the application.

K Rickards (Agent) spoke in support.

A brief adjournment took place at 4.50 pm to discuss re-arranging the Agenda. The meeting recommenced at 4.55 pm during which time Councillors Lemon and Loughlin returned to the Council Chamber.

PC311 **UTT/22/1014/OP - LAND NORTH OF HAMMONDS ROAD, HATFIELD BROAD OAK**

This item will be carried over to the next meeting.

PC312 **UTT/22/2977/DFO - LAND TO THE EAST OF SHIRE HILL, SAFFRON WALDEN**

The Senior Planning Officer presented reserved matters details of appearance, landscaping, layout and scale following the allowed appeal APP/C1570/W/19/3227369.

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:

- Acknowledged the potential lack of greenery around the edge of the site and the possibility of more tree planting.
- Detailed permeable paving and water storage arrangements.

Members discussed:

- The desire to locate air source heat pumps away from the adjoining Horn Brook estate.
- Industrial traffic concerns.

Councillor Light proposed that the application be approved. This proposal was seconded by Councillor Freeman.

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

PC313 UTT/22/1752/FUL - BLUEGATES FARM, STORTFORD ROAD, GREAT DUNMOW

This item will be carried over to the next meeting.

PC314 UTT/21/3563/FUL - LAND EAST OF ST EDMUNDS LANE, ST EDMUNDS LANE, GREAT DUNMOW

The Senior Planning Officer presented a planning application for an amendment to UTT/19/1508/FUL in order to change plot 13 from a single dwelling to 2 separate dwellings and to provide a total of 24 dwellings.

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

In response to questions from Members, officers:

- Said that the delays since 2021 had been because of legal agreements being drawn up.
- Said that financial adjustments would be made to reflect affordable homes contribution for self-builds.

Members were content with the proposal.

Councillor Pavitt proposed that the application be approved. This proposal was seconded by Councillor Bagnall.

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

PC315 UTT/22/3321/OP - LAND REAR OF WOODENE, HIGH STREET, LITTLE CHESTERFORD

This item will be carried over to the next meeting.

PC316 UTT/23/0308/HHF - 54 ROSS CLOSE, SAFFRON WALDEN

The Senior Planning Officer presented a planning application for the construction of a single storey rear extension. The application had been made by a former staff member.

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 a question from Councillor Light, the Senior Planning Officer confirmed that the extension was single storey with a flat roof.

Members were content with the proposal.

Councillor Light proposed that the application be approved. This proposal was seconded by Councillor Emanuel.

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

PC317 UTT/22/3020/FUL - NEWPORT ROAD, SAFFRON WALDEN

This item will be carried over to the next meeting.

Due to time constraints the following four agenda items were not taken and will be carried forward to the next meeting:

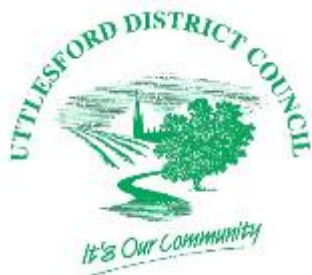
13. UTT/22/1014/OP – LAND NORTH OF HAMMONDS ROAD, HATFIELD BROAD OAK

15. UTT/22/1752/FUL – BLUEGATES FARM, STORTFORD ROAD, GREAT DUNMOW

17. UTT/22/3321/OP – LAND REAR OF WOODENE, HIGH STREET, LITTLE CHESTERFORD

19. UTT/22/3020/FUL – NEWPORT ROAD, SAFFRON WALDEN

The meeting ended at 5:20 pm.



ITEM NUMBER: 3

PLANNING COMMITTEE DATE: 19 April 2023

REFERENCE NUMBER: UTT/22/1014/OP

LOCATION: Land North Of
Hammonds Road
Hatfield Broad Oak

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 15 March 2023

PROPOSAL: Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements.

APPLICANT: The Trustees of the CH Gosling 1965 Settlement

AGENT: Ms Alice Maguire (Bidwells)

EXPIRY DATE: 08 July 2022

EOT Expiry Date: 09 June 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Adjacent to Development Limits (Outside).
Tree Preservation Order (Oak).
Archaeological Site (No. 4442).
Contaminated Land Historic Land Use.
Road Classification (Hammonds Road – Class III).
Within 6km of Stansted Airport.
Water Authority (Thames Water).
Public Right of Way (Footpath – 140m-190m North of Site).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

- 1.1** This is an outline application with all matters reserved except for access for up to 24 no. new dwellings, a new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements. Appearance, layout, scale and landscaping are reserved matters.
- 1.2** The development site is located within the countryside on the eastern edge of the village of Hatfield Broad Oak. As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5YHLS (notwithstanding its improving position), paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed 'Planning Balance' has been

undertaken of the proposal against all relevant considerations (see Section A of the analysis and Section 16 of the report). It has been concluded that the benefits of the development significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be approved subject to conditions and a s106 agreement.

- 1.3** Following the submission of additional information to ensure deliverability, the appropriate visibility splays and the proposed scheme of highway works can be secured on the applicant's land or on highway land, and as such, ECC Highways supported the application. The development was also tested on flood risk grounds from rivers/sea and from surface water and found not to increase flood risk on site or elsewhere. The heritage impacts of the scheme are also acceptable.
- 1.4** Subject to the reserved matters, all other planning considerations are also acceptable, including environmental health and ecology.

2. RECOMMENDATION

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

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

And

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

3. SITE LOCATION AND DESCRIPTION

- 3.1** The application site comprises undeveloped land located adjacent to the eastern development limits of Hatfield Broad Oak. The site lies north of Hammonds Road, between existing residential development to the west and Waters Farm to the east. There are open agricultural fields to the south and north of the site. The site has a relatively rectangular shape with well-defined boundaries (existing hedgerows and tree clusters) and part of a field to the north. At the south-western corner of the site, along the frontage, is a protected (TPO) Oak tree, and a pond to the east. A public footpath runs east-west 140-190m to the north of the site and a Protected Lane to the east of the site (past Waters Farm). The site and the field across the road sit on higher ground levels than the highway. Ground levels within the site slope down westwards. The site comprises the eastern entrance to the village. The overall area contains a rural

countryside character and appearance with dwellings (mainly within the development envelope) of varying architectural styles, sizes, ages and materials.

4. PROPOSAL

4.1 Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements. The applicant indicatively proposes 42% or 10 no. affordable units, as well as various open spaces and SUDS features.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Covering letter
- Ecological assessment
- Flood risk assessment
- Landscape and visual appraisal (x3)
- Landscape and visual appraisal appendix 1
- Landscape and visual appraisal appendix 2
- Landscape and visual appraisal appendix 3
- Phase I geoenvironmental desk study part 1
- Phase I geoenvironmental desk study part 2
- Planning statement
- SUDS checklist
- Superseded archaeological assessment
- Superseded transport statement
- Tree survey – Arboricultural impact assessment
- Tree survey – Arboricultural impact assessment – Plans
- Surface water flood risk depths
- Superseded design and access statement
- Thames water information
- Thames water – Confirmation of sufficient capacity
- Response to place services comments
- Revised archaeological assessment
- Revised design and access statement
- Revised transport statement
- Response to highways comments (x3)
- Email correspondence.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1	Reference	Proposal	Decision
	UTT/21/1801/PA	Residential development of the site for approximately 24 dwellings.	Closed (23.08.2021).

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Localism Act 2011 requires pre-application consultation on certain types of planning applications in England. As such, the following consultation events have been held by the applicant:

- 5th August 2021: Virtual pre-application meeting with UDC Officers under reference UTT/21/1801/PA.
- 23rd August 2021: Written pre-application response from UDC received from the Planning Officer.
- 9th November 2021: The applicant attended a Parish Council meeting to discuss the scheme.
- 22nd November 2021: Engagement with and presentation to the Parish Council and the Planning Working Group (a sub-group of the Parish Council, with members of the Parish Council and residents).
- 19 January and 07 February 2022: Virtual engagement with the local community in the form of an online virtual exhibition (in light of applicable COVID restrictions in place at the time).
- 19 January 2022: Leaflet drop to 366 residential addresses and 11 business addresses to publicise the online exhibition.

7.2 The online exhibition had 153 independent views and 11 responses were received out of which:

- 1/11 (9%) of respondents fully support the plans.
- 5/11 (45.5%) respondents stated that they generally support the plans but have some concerns.
- 5/11 (45.5%) respondents stated that they did not support or like the plans.

7.3 Full details of the applicant's engagement and consultation exercises conducted is discussed within the submitted Statement of Community Involvement in the Planning Statement (p.22).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 Local Flood Authority

8.2.1 No objections subject to conditions (see full response in Appendix 2).

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council commented as follows:

• **Objections:**

- Greenfield and open land outside development limits.
- Countryside harm / major visual impact.
- Out of character.
- Premature release of site.
- Unsustainable location.
- Highway safety concerns.
- Incorrect submissions.
- Large site for the size of the village.
- Low density development.
- Unclear previous uses of the land / no agricultural use.
- No direct footpaths to the village.
- Limited bus service.
- Lack of infrastructure capacity, services and facilities.
- Recent appeals dismissed as precedent.
- Lack of Neighbourhood Plan irrelevant.
- More expensive housing stock in the village than the district.
- Insufficient information on ecology and biodiversity.
- No affordable housing.
- Ecological and biodiversity concerns.
- No up-to-date Local Plan.
- Infrequent and unreliable bus service.
- Hammonds Road is drained by ditches.
- Telegraph pole and road sign irrelevant.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections subject to provision of a minimum of 40% of affordable housing (including 25% as First Homes), 5% of wheelchair accessible houses and an appropriate housing mix. Further review at the reserved matters.

10.2 UDC Environmental Health

10.2.1 No objections subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No objections subject to conditions.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

10.6 Crime Prevention Officer

10.6.1 There is insufficient detail within the application to comment at present, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures to make a meaningful response.

10.7 ECC Infrastructure

10.7.1 No objections subject to contributions:

- Education contributions:
 - Primary education: financial contribution of £124,330 index linked to Q1 2020.
 - Secondary education: financial contribution of £114,120 index linked to Q1 2020.
 - Libraries: financial contribution of £1,867.20 index linked to Q1 2020.
 - Schools transport: financial contribution of £24,168 index linked to Q1 2022.
- Employment and Skills Plan.

10.8 Stansted Airport Safeguarding Authority

10.8.1 No objections subject to conditions.

10.9 Thames Water

10.9.1 No objections.

10.10 Affinity Water

10.10.1 No comments received.

10.11 Cadent Gas Ltd

10.11.1 No objections.

10.12 Gigaclear Ltd

10.12.1 No objections.

10.13 National Grid Gas Ltd

10.13.1 No objections – no assets affected.

10.14 UK Power Networks (Operations) Ltd

10.14.1 No objections.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper and representations have been received.

11.2 Support

11.2.1 No comments.

11.3 Object

- 11.3.1**
- 30 MPH limit needed past Waters Farm.
 - Footpath necessary on Hammonds Road.
 - Highway safety concerns.
 - No infrastructure capacity, services and facilities – sustainability concerns.
 - Affordable housing needed.
 - Ecological and biodiversity concerns.
 - Over-development of Hatfield Broad Oak.
 - Incorrect submissions.
 - Loss of light and overshadowing.
 - Loss of privacy and overlooking.
 - Noise and other disturbances.
 - Harm to the character and appearance of the area / entrance to the village.
 - Countryside harm.
 - Outside development limits.
 - Greenfield land.
 - No streetlighting.
 - Loss of verges due to HGV traffic.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but legal.

12. MATERIAL CONSIDERATIONS

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

- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to
- (a) The provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application,
 - and
 - (c) any other material considerations.

12.3 The Development Plan

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

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** Policy S7 – The countryside
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN6 – Infrastructure Provision
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy ENV3 – Open Space and Trees
Policy ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy ENV5 – Protection of Agricultural Land
Policy ENV10 – Noise Sensitive Development
Policy ENV12 – Protection of Water Resources

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

13.3 Neighbourhood Plan

13.3.1 No ‘made’ Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer’s contributions
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A Principle of development**
 - B Appearance, scale, layout, landscaping (Reserved Matters)**
 - C Residential amenity**
 - D Access and parking**
 - E Ecology**
 - F Contamination**
 - G Archaeology**
 - H Flood risk and drainage**
 - I Housing mix and affordable housing**
 - J Planning obligations**
 - K Other matters**

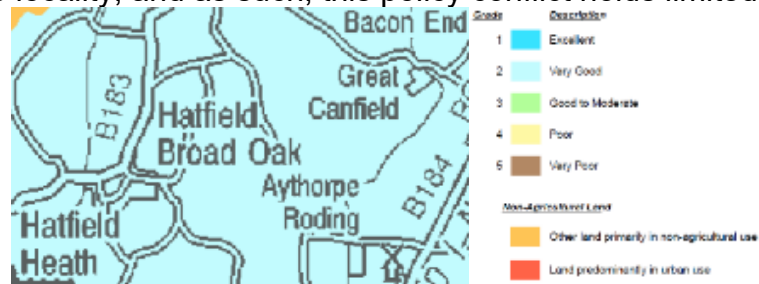
14.3 A) Principle of development

14.3.1 With the Council unable to demonstrate a 5YHLS¹, paragraph 11(d) of the NPPF applies, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would ‘significantly and demonstrably’ outweigh the benefits. Due to the 5YHLS shortfall, some residential development must be directed outside development limits where appropriate; the Council’s approach to ‘windfall development’ is effective given the gradual increase.

14.3.2 Applying policy ENV5

¹ Currently at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

The site comprises Grade 2 ('Very Good' quality²) agricultural land, being part of the district's best and most versatile agricultural land. Despite its loss, contrary to policy ENV5, good quality agricultural land is plentiful within the locality, and as such, this policy conflict holds limited weight.



14.3.3 Applying policies S7 and GEN1(e) in conjunction with paragraph 8 of the NPPF

In **economic** terms, the proposal can provide a modest contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.4 In social and environmental terms:

14.3.5 Location – Isolation:

Recent case law³ defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated, as it is adjacent to the development limits of Hatfield Broad Oak. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable.

14.3.6 Location – Services and facilities:

The area offers some services and facilities (see image⁴), including a primary school, a GP surgery, a village shop and a butcher's shop. The nearest bus stop⁵ (Barnfield stop – 1' walk) is 60m from the site (see image); the nearest school (St Mary's Primary School – 7' walk) and the nearest GP surgery (Eden surgery – 7' walk) are 600m from the site. The nearest railway station (Sawbridgeworth Railway Station – 10' drive) is 7.6km away and the nearest supermarket (The Co-op Food – 50' walk) is 4km from the site, with employment centres and hospitals not within walking distances. To the front of nos. 1-8 Water Villas there is space used for walking and parking, and opposite that (at the junction of Hammonds Road with Barnfield lane) there are pedestrian footpaths on both sides of the lane with the footpath on the eastern side ending at this

² See Agricultural Land Classification 2010, Natural England.

³ Braintree DC v SSCLG [2018] EWCA Civ. 610.

⁴ Revised Design and Access Statement, paragraph 2.3.

⁵ Bus services include no. 305 which offers an hourly service from 7am to 9pm (Mondays to Saturdays) and no. 347 which offers a service twice a day (Mondays to Fridays).

junction. The applicant proposes to connect the application site to the existing footpath network.



14.3.7 The occupants of the proposed dwellings would be able to safely access sustainable public transport of a satisfactory frequency, as well as some services and facilities within walking distances. Some movements to and from the site would be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development as per the NPPF requirements. Therefore, the sustainability credentials of the location are satisfactory in NPPF terms, and the development complies with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.8 Previously developed land:
The site is not previously developed land (in the context of the NPPF glossary and a Court of Appeal decision⁶), as there are no planning records or other material considerations (e.g. permanent structures, fixed surfaces) to suggest otherwise⁷.

14.3.9 Character and appearance – Countryside:
The local character contains a distinct rural feel and countryside setting with some views to the wider landscape and a modest sense of openness. The site is tucked away from the public realm, as the mature hedge on its southern boundary sits higher than Hammonds Road (see photographs) and the nearest public footpath is located 140m-190m to the north of the site. The development introduces housing in a countryside location, and as such, it cannot escape a level of countryside impact due to the urbanising effects⁸. Therefore, the development is contrary to policy S7 and paragraph 174(b) of the NPPF. The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174(b) that recognises the intrinsic character and beauty of the countryside.

⁶ Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁷ The applicant concurs with this view (see Planning Statement, paragraphs 7.18, 9.7).

⁸ Domestic appearance of built form and domestic paraphernalia with which housing is associated.



- 14.3.10** The applicant submitted a Landscape and Visual Appraisal (hereafter LVA) identifying views that may be visually affected by the development (e.g. see viewpoint 6). The LVA found there will be some adverse effects to the visual amenity of the area due to the *“loss of rural landscape, which is distinctive of the village’s edge and contributes to the sense of remoteness of the village”*⁹ and due to the *“extension of urban qualities”* within this rural landscape¹⁰. However, the visual impact of the scheme will have localised effects only as further away from the area *“there is a stronger influence of intervening topography and layers of field boundaries vegetation that filter views”*¹¹.



- 14.3.11** Notwithstanding its verdant appearance, the site does not play an important role¹² in the rural character and appearance of the area, as the openness within the site is not readily perceived by users of Hammonds Road¹³, and as such, this openness is not intrinsic of the settlement’s edge. Consequently, the site makes a limited positive contribution to the character and appearance of the area. As the scheme is outline with all matters reserved (except for access), the applicant proposes design principles and mitigation measures to minimise the visual impact of the development (e.g. through a Design Code). An appropriate scale and density can preserve some sense of remoteness to the settlement’s edge and, in combination with open spaces, tree plantings and appropriate heights, can soften the appearance of the site and provide a smooth transition onto the countryside. Therefore, when quantified, countryside harm is limited with modest urbanising effects to the character and appearance of the area. This holds significant weight.

⁹ Landscape and Visual Appraisal, p.24.

¹⁰ Landscape and Visual Appraisal, p.25.

¹¹ Ibid.

¹² The site is not part of the Local Green Spaces identified in Table 5.3 and Figure 5.22 of the Neighbourhood Plan, and as such, policy GLCNP/7 does not apply.

¹³ Given the elevated grounds of the site in relation to the highway.

- 14.3.12** Character and appearance – Pattern of development:
The Revised Master Plan is illustrative at this stage; however, the scheme does not consolidate sporadic development to the detriment of the character and appearance of the countryside, as the development would read as a natural urban extension to the village. However, the indicative dwelling on the south-eastern corner of the site is ahead of the building line set by the Waters Villas residences to the west of the application site. The Typology Study prepared by the applicant¹⁴ may further inform this assessment at the reserved matters stage.
- 14.3.13** Conclusion:
The planning balance under paragraph 11(d) of the NPPF tilts in favour of the principle of the development (see Conclusions).
- 14.3.14** Overall, the principle of the development is acceptable, and complies with the ULP policy GEN1(e), and the NPPF.
- 14.4 B) Appearance, scale, layout, landscaping (Reserved Matters)**
- 14.4.1** Appearance, scale, layout and landscaping are reserved matters. However, some preliminary comments can be made using the indicative details submitted with the outline application.
- 14.4.2** In terms of heritage impacts, the applicant suggests the development causes low levels of ‘less than substantial harm’ in conflict with paragraph 202 of the NPPF, which are counter-balanced through the benefits of the scheme¹⁵. However, by reason of its location and distance to any heritage assets in the village¹⁶ and the intervening-built form, the development preserves the setting and significance of the heritage assets, without causing ‘less than substantial harm, in accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 194, 199 and 202 of the NPPF. In addition, by reason of its location and distance, the development preserves the fabric and character of the Protected Lane (Taverners Green) to the east of the site. No heritage harm is identified.
- 14.4.3** Notwithstanding the ‘no heritage harm’ position, there are some views from Hammonds Road and from within the site towards the Grade I listed Church to the west. The applicant responds with the indicative Revised Master Plan locating open space to the south-west corner of the site to retain the local sense of place¹⁷.
- 14.4.4** In terms of design and form, based on the available information, limited comments can be made. Appropriate glazing and a simple vernacular

¹⁴ Revised Design and Access Statement, paragraph 5.3.

¹⁵ Planning Statement, paragraph 7.41.

¹⁶ The site sits 140.9m from The Parsons Cottage (Grade II listed), 134.2m from Willow Cottage (Grade II listed), as well as 572.5m from the Church of St Mary the Virgin (Grade I listed) and 483.7m from the Hatfield Broad Oak Conservation Area.

¹⁷ Revised Design and Access Statement, p.63; Planning Statement, paragraph 7.26.

appearance are expected in the reserved matters to minimise impacts to the character and appearance of the area. The indicative Revised Master Plan shows combinations of built forms with traditional rectangular shapes that comply with the local vernacular¹⁸. No elevation drawings have been submitted.

14.4.5 In terms of layout, the indicative locations and density of the dwellings avoid creating a cramped appearance for the site or a rigid block of built form facing onto Hammonds Road, preserving the character and appearance of the area. However, the dwelling on the south-eastern corner of the site fails to respect the building line (see Section A). Parking areas do not visually dominate the indicative layout or the site’s frontage. The indicative open spaces and SUDS within the site add visual interest and a sense of identity and place to the development as they ameliorate intra-site navigations and appearances.

14.4.6 In terms of size and scale, the indicative dwellings have reasonable footprints; however, their bulk and massing are unknown at this outline stage. The reserved matters application will ensure the development is subservient and subordinate to the area. The applicant states “*the range of heights across the scheme would be 2-2.5 storeys, with a limitation to 2 storeys only in higher areas of the site towards the eastern edge of the development area*”¹⁹ (see also Table). A Proposed Streetscene would be recommended for the next stage.

	Typical eaves (m)	Typical ridge (m)
2 storeys	5-5.5	7.5-9
2.5 storeys	5.5-6	8.5-9.5

14.4.7 Turning to landscape, trees and boundaries, the landscape strategy of the development aims to minimise its visual impact in the area with landscape buffers to the east and south of the site, including open spaces, SUDS and an amphibian reserve. There is also a TPO Oak tree to the south-western corner of the site, which is to be retained along with other trees worthy of retention and most of the hedge surrounding the site²⁰. The applicant proposes to fell 1 no. tree of moderate amenity value²¹. The Landscape Officer raised **no objections** subject to conditions. The conditions refer to a landscaping scheme that is a reserved matter. Other conditions include detailed protective measures for the trees (TPO tree) and the loss of the mixed species hedge to the front of the site, requiring any lost sections of it, to be replanted behind the sight lines. Most importantly, there is limited impact on the wider landscape by the proposed development.

¹⁸ See ‘Building Form’ section of the Essex Design Guide.

¹⁹ Revised Design and Access Statement, paragraph 10.2.3.

²⁰ See Planning Statement, paragraph 7.26, 7.43; Revised Design and Access Statement, paragraph 7.4; Landscape and Visual Appraisal, paragraph 3.2.1.

²¹ Tree Survey – Arboricultural Impact Assessment, p.2.

14.4.8 For climate change mitigation, the development will incorporate energy efficiency measures and water efficiency designs, including electric vehicle chargers²². However, the applicant does not provide any more details at this stage, plus more such sustainability measures are required to ensure sustainable buildings and construction methods, in accordance with the Council’s Climate Crisis Strategy 2021-30, and paragraph 158(a) of the NPPF.

14.4.9 The following conditions are necessary as per paragraph 56 of the NPPF:

- Renewable energy/climate control measures, to ensure the development is sustainable and makes efficient use of energy, water and materials, in accordance with UDC’s Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 ed) for all potential users.

14.4.10 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.5 C) Residential amenity

14.5.1 Appearance, scale and layout are reserved matters, and as such, the following comments are only preliminary at this stage.

14.5.2 In terms of the residential amenity of the occupants, indicatively, the dwellings are 2-2.5 storeys high with unknown bedroom/persons occupancies (bedroom numbers are unknown at this stage); the gross internal areas should exceed minimum standards (see Table²³). The Housing Officer notes that “Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 people, 3 bed properties house 5 people and 4 bed properties house 6 people. Ideally, the new homes should meet the Nationally Described Space Standards (NDSS)”.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

²² Planning Statement, paragraph 6.11.

²³ Nationally Described Space Standard.

- 14.5.3** The dwellings must have private amenity spaces (gardens) above the 50 m² threshold for 1-2 bedroom properties and above the 100m² threshold for any 3+ bedroom properties (see Essex Design Guide).
- 14.5.4** In terms of noise, odours, vibrations, light pollution, dust and other disturbances, the Environmental Health Officer raised **no objections** subject to conditions to safeguard residential amenities (see also Section 6 for conditions to protect human health and the environment). The conditions refer to a Construction Management Plan (pre-commencement), noise from air source heat pumps and external lighting. The development complies with paragraph 174(e) of the NPPF.
- 14.5.5** In terms of the amenity of neighbouring occupiers, the scale, design and position of the dwellings in relation to the neighbouring dwellings and amongst themselves would be tested in the reserved matters stage when more details would be available. This includes the application of the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), to assess whether any material overshadowing, overlooking (actual or perceived) and overbearing effects are considered.
- 14.5.6** Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.
- 14.6 D) Access and parking**
- 14.6.1** Access is not a reserved matter.
- 14.6.2** From a highway and transportation perspective, following the submission of additional information, the Highway Authority raised **no objections** in the interests of highway safety, as the development accords with the ECC Supplementary Guidance – DM Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF.
- 14.6.3** ECC Highways initially submitted that the applicant does not appear to control sufficient land to provide the required forward visibility splay for westbound vehicles travelling along Hammonds Road to observe a westbound vehicle waiting in the carriageway to turn right into the proposed site access. In addition, it was initially highlighted that the lack of a footway provision and safe crossing point would also be detrimental to highway safety. ECC Highways was concerned about the potential presence of a ditch adjacent to the carriageway. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. As a result, ECC Highways required more information (topographical drawings, etc.) to ensure the proposed scheme of works to Hammonds Road can be achieved within highway land and/or land under the developer's control, and consequently, to ensure the scheme

can be delivered. Notwithstanding any comments indicating otherwise and despite the initial concerns, the applicant's submissions confirmed that the proposed scheme of works can be delivered.

14.6.4 The parking layout is indicative at this stage. Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. In the reserved matters application, the development must meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.6.5 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised **no objections** subject to conditions to secure biodiversity mitigation, compensation and enhancement measures. The conditions refer to action in accordance with the appraisal recommendations, a copy of Natural England licence for Great Crested Newts (pre-commencement), a Biodiversity Enhancement Strategy, and a Landscape and Ecological Management Plan. The development complies with paragraphs 43, 174(d) and 180 of the NPPF.

14.7.2 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the submitted Phase I report concludes there is potential contamination associated with the historic agricultural use of the site and the wider area, recommending a Phase II Geo-environmental Investigation to clarify potential risks to receptors and classify potential waste soils for disposal off site. Environmental Health raised **no objections** subject to conditions to protect human health and the environment. The conditions refer to an assessment of the nature and extent of contamination, a detailed remediation scheme, completion of the agreed remediation, a validation report to demonstrate the effectiveness of the remediation, and a potential land contamination clause for any unexpected contamination. The development complies with paragraph 174(e) of the NPPF. A condition is also necessary for electric chargers to improve air quality as per paragraph 107 of the NPPF.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with ULP Policies ENV14, ENV12, ENV13, and the NPPF.

14.9 G) Archaeology

14.9.1 The applicant states that “*It is possible that archaeological field evaluation through trial trenching will be required*”²⁴. The Archaeology Officer reported that “*there is the possibility that other roadside development is present considering the significance of Hatfield Broad Oak in the early medieval period at which time it was a larger and a more important settlement*”. Archaeology raised **no objections** subject to conditions for an archaeological programme of trial trenching followed by open area excavation to protect potential archaeological remains. The conditions refer to a Written Scheme of Investigation (WSI), the completion of the archaeological investigation in accordance with the WSI and a post-excavation assessment and archive of any deposits, as well as a publication report. The development complies with paragraph 192(b) of the NPPF.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with ULP Policy ENV4, and the NPPF.

14.10 H) Flood risk and drainage

14.10.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (see paragraphs 158-169 of the NPPF).

14.10.2 The site falls within Flood Risk Zone 1. However, the scheme comprises ‘major development’, and as such, matters of flood risk and drainage must be considered, plus the NPPF requires the submission of a Flood Risk Assessment and the use of Sustainable Urban Drainage Systems (SUDS). The following images show the extent of flooding from rivers and from surface water.



14.10.3 Following the submission of additional information, Essex County Council (as the Lead Local Flood Authority) raised **no objections** subject to conditions to prevent flooding or increasing flood risk elsewhere, to ensure the effective operation of SUDS and to mitigate any harm to the water environment as per paragraphs 167 and 174(e) of the NPPF. The conditions refer to a detailed surface water drainage scheme, a scheme to prevent pollution and to minimise the risk of offsite flooding by surface water run-off and groundwater during construction (pre-commencement), a maintenance plan and yearly logs of maintenance.

²⁴ Revised Archaeological Assessment, paragraph 3.2.

14.10.4 Following the submission of additional information, following the submission of a wastewater capacity assessment from the applicant, Thames Water raised **no objections** to surface water drainage and to the infrastructure capacity of the foul water sewerage network. If in the reserved matters application the applicant proposes to discharge foul waters to a public sewer, prior approval from Thames Water Developer Services will be required.

14.10.5 Overall, the proposal is acceptable in terms of flood risk and drainage, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix and affordable housing

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is more than 0.1ha and for 24 no. dwellings, thus H10 is relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties. Therefore, the indicative housing mix shown in the Table below is acceptable.

14.11.2 The 40% affordable housing contribution is triggered as the site exceeds 0.5ha and the scheme comprises a 'major development' for the purposes of the NPPF²⁵. The applicant indicatively proposes 10 no. affordable units (42% of the total number of units) that shall be confirmed in the reserved matters application and shall be secured using a s106 legal agreement. Although affordable housing levels is indicative at this outline stage, the UDC Housing Officer raised **no objections** and noted that 25% of the affordable housing provision will now need to be provided as First Homes as the application is determined after 28 Mar 2022. The Housing Officer also highlighted that the affordable units are expected to be delivered by one of the Council's preferred Registered Providers. The development complies with policy H9 and the NPPF.

²⁵ 'Major development' is defined in the NPPF Glossary (p.68): For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

SIZE	MARKET NO.	MARKET %	AFFORDABLE NO.	AFFORDABLE %	OVERALL	OVERALL %
2 bed	1	4%	5	21%	6	25%
3 bed	6	25%	4	17%	10	42%
4 bed	5	21%	1	4%	6	25%
5 bed	2	8%	0	0%	2	8%
Sub Total	14	58% overall	10	42% overall	24 homes	100%

14.12 J) Planning obligations

14.12.1 Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation in accordance with the Supplementary Planning Document – Developer’s Contributions (March 2023) and the Essex County Council’s Developers’ Guide to Infrastructure Contributions.

14.12.2 The planning obligations shall include the following:

- Affordable housing.
- Open space.
- Provision of wheelchair accessible and adaptable dwellings.
- Education contributions.
- Employment and Skills Plan.
- Payment of the Council’s reasonable legal costs.
- Payment of monitoring fee.

14.12.3 A s106 agreement to secure the above Heads of Terms is expected to be signed prior to planning permission being granted, to ensure the proposal would accord with Policy GEN6 of the adopted Local Plan 2005, which seeks to secure the required provision of appropriate infrastructure to mitigate the impacts of the development.

14.13 K) Other matters

14.13.1 Cadent Gas Ltd, Gigaclear Ltd, National Grid Gas Transmission Plc, and the UK Power Networks Ltd raised **no objections** unconditionally.

14.13.2 The Stansted Airport Safeguarding Authority have **no objections** subject to conditions to secure flight safety. The conditions refer to measures against light spill and the prevention of birds being attracted to the site from SUDS features.

14.13.3 Essex Police noted there is insufficient detail within the application to comment at present given the outline stage of the scheme. The applicant must demonstrate compliance with policy GEN2(d) of the Local Plan that aims at reducing the potential for crime. The applicant should achieve a Secured by Design Homes award through compliance with security measures incorporated to design.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. PLANNING BALANCE AND CONCLUSION

16.1 The planning balance in paragraph 11(d) of the NPPF tilts in favour of the principle of the scheme.

16.2 The benefits include:

- Significant contribution to the 5YHLS.
- Appropriate location with some services and facilities within walking distance and some sustainable transport options.
- Provision of up to 10 no. affordable units.
- Provision of public open space.

- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
- Moderate ecological enhancements and net gains.
- Moderate economic and social benefits.

The adverse impacts include:

- Limited countryside impacts / urbanising effects. Localised landscape and visual amenity effects.

16.3 The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme. Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.4 It is therefore recommended that the application be approved subject to conditions and a s106 agreement.

17. S106 / CONDITIONS

17.1 S106 Heads of Terms:

- Affordable housing: Provision of a minimum of 40% of affordable housing.
- Open space: Provision and long-term on-going maintenance of public open space (including open spaces, amphibian reserve, swale, and associated infrastructure).
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
- Education contributions:
 - Primary education: financial contribution of £124,330 index linked to Q1 2020.
 - Secondary education: financial contribution of £114,120 index linked to Q1 2020.
 - Libraries: financial contribution of £1,867.20 index linked to Q1 2020.
 - Schools transport: financial contribution of £24,168 index linked to Q1 2022.
- Employment and Skills Plan.
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

1 Approval of the details of scale, layout, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

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

- 4** Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

REASON: To preserve in situ potential archaeological remains, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 5** Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the agreed Written Scheme of Investigation (WSI) shall be completed.

REASON: To preserve in situ potential archaeological remains, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 6** Prior to commencement of the development hereby approved, detailed protective measures for the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The detailed measures shall comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) and shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

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

- 7 Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period of the development.

The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 8 (a) Prior to commencement of the development hereby approved, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be based on the initial findings of the Phase I Geoenvironmental Desk Study (AGB Environmental Ltd, reference P4118.1.1, dated 29th March 2022) and shall assess any contamination on the site, including ground gas, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

(b) If found to be necessary from (a) and prior to commencement of the development hereby approved, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Prior to commencement of the development hereby approved, a timetable of works for the detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Within 2

months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

(d) If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately and in writing to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect human health and the environment, in accordance with Policies GEN2, ENV14 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 9** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the following:

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

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

authority.

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, GEN2, GEN4, ENV10 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

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

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 11** Prior to commencement of any works which will impact the breeding / resting place of great crested newts, the local planning authority shall be provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
 - c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 12** Within six (6) months from completion of the archaeological investigation, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is ready to be deposited at the local museum and a publication report is submitted to the Local Planning Authority.

REASON: To preserve in situ potential archaeological remains, in

accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 13** Prior to any works above slab level, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all measures shall be implemented as approved.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the adopted Uttlesford Local Plan (2005), as well as Uttlesford District Council's Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 14** Prior to any works above slab level, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.4l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, First Floor Levels (300mm above flood level) and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation of the development hereby approved. Outline applications are subject to the most up to date design criteria held by the Lead Local Flood Authority.

REASON: (a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. (b) To ensure the effective operation of SuDS features over the lifetime of the development. (c) To provide mitigation of any environmental harm which may be caused to the local water environment by the development hereby approved. (d) Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 15** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) persons responsible for implementing the enhancement measures;
- d) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the works shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 16** Prior to occupation of the development hereby approved, the developer shall implement the highway works as shown in principle on EAS drawing SK12.

The highway works shall include but not limited to the following:

- The provision of a new bellmouth access with a minimum of 6m radii returned to a carriageway width of 6 metres.
- Visibility splays of 107.8 metres to the east and 63.6 metres to the west measured from a 2.4 metre setback distance at the centre of the new access.

- The extension of the 30mph speed limit to the east of the existing location, to include new signage and associated Traffic Regulation Order.
- New 'Hatfield Broad Oak' gateway signs and associated features at a new location on Hammonds Road to tie in with the speed limit extension or other such location as may be agreed.
- The provision of a new 2-metre-wide footway connection from Barnfield to an appropriate pedestrian crossing point on the south side of Hammonds Road to coincide with a pedestrian crossing point and 2-metre-wide footway on the north side of Hammonds Road to connect to the application site.
- The relocation of overhead service pole(s), signage, village gateway and cutting back/removal of vegetation as required to provide a 2 metre wide footway, pedestrian visibility splays of not less than 1.5 metres by 63.6m to the east at the pedestrian crossing point of Hammonds Road, and a forward visibility splay of 107.8 metres along Hammonds Road (to a vehicle turning right into the site access).

REASON: To ensure that safe, efficient, and improved accessibility is provided for all highway users in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 17** Prior to occupation of the development hereby approved, a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant, shall include:
- Footway widening/siding out/resurfacing.
 - Pedestrian warning signs.
 - Improvements to/provision of dropped kerb crossings.
 - Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.

REASON: In the interests of highway safety and accessibility, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 18** Prior to occupation of the development hereby approved, a bus stop pole and flag, timetable frame and raised kerb and platform serving the bus stop in Barnfield shall be provided on a location to be agreed with Essex County Council Highways.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with

Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 19** Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack (per dwelling) for sustainable transport, to include six one day travel vouchers for use with the relevant local public transport operator. This will be at no cost to the occupier.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005) and with the Uttlesford Local Residential Parking Standards (2013), the Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 20** Prior to occupation of the development hereby approved, a minimum of an electric vehicle charging point shall be provided on site for each unit. Thereafter, the charging points shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 21** Prior to occupation of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the amphibian reserve and public realm and spaces on site shall be submitted to and be approved in writing by the local planning authority.

The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being

met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Thereafter, the LEMP shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

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

If any part of the site will be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 23** Prior to first use, details of any external lighting to be installed on the site or any separate plots within the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with Policies GEN2, GEN4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 24** Apart from any hedge lost to accommodate the vehicular access hereby approved, any hedge to be lost to the front of the site for the purposes of accommodating the necessary visibility splays for the vehicular and/or pedestrian accesses hereby approved shall be replanted behind the visibility splays and shall be maintained as such at all times unless otherwise agreed in writing by the local planning authority.

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

- 25** No islands and/or peninsulas shall be created on any Sustainable Urban Drainage Systems (SUDS) or waterbody on or adjacent to the application site.

REASON: In the interests of flight safety, in accordance with Policy GEN5 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 26** Any air source heat pumps to be installed for the units hereby approved shall be specified and designed, enclosed, or otherwise attenuated, to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To safeguard residential amenities, in accordance with Policies GEN2, GEN4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

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

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 28** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (BSG Ecology, February 2022) and the Response to Place Services comments (BSG, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. Thereafter, the appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details. The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7,

ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

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

REASON: In the interests of flight safety, in accordance with Policy GEN5 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/22/1014/OP
Our Ref: 49660
Date: 03 March 2023



CC: (by email) Cllr Susan Barker
Development Management

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1014/OP
Applicant The Trustees of the CH Gosling 1965 Settlement
Site Location Land North of Hammonds Road Hatfield Broad Oak
Proposal Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements.

This recommendation supersedes the recommendation of the Highway Authority dated 24 November 2022.

The Highway Authority has thoroughly assessed the planning application and submitted information received throughout the course of this planning application. The site has been visited on several occasions and a detailed investigation of the highway boundary along Hammonds Road in the vicinity of the site access has taken place.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:
 - Safe access into the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

2. Prior to the first occupation of the development the developer shall implement the works as shown in principle on EAS drawings SK01 Revision D and SK09, with all details being agreed with the Highway Authority, and to include but not limited to the following:

- The provision of a new bellmouth access with a minimum of 6m radii returned to a carriageway width of 6 metres.
- Visibility splays of 118.3m to the east and 63.6 metres to the west measured from a 2.4 metre setback distance at the centre of the new access.
- The extension of the 30mph speed limit to the east of the existing location, to include new signage and associated Traffic Regulation Order.
- New 'Hatfield Broad Oak' gateway signs and associated features at a new location on Hammonds Road to tie in with the speed limit extension or other such location as may be agreed.
- The provision of a new 2 metre wide footway connection from Barnfield to an appropriate pedestrian crossing point on the south side of Hammonds Road to coincide with a pedestrian crossing point and 2 metre wide footway on the north side of Hammonds Road to connect to the application site.
- The relocation of overhead service pole(s), signage, village gateway and cutting back/removal of vegetation as required to provide a 2 metre wide footway, pedestrian visibility splays of not less than 1.5 metres by 63.6m to the east at the pedestrian crossing point of Hammonds Road, and a forward visibility splay of 118.3 metres along Hammonds Road (to a vehicle turning right into the site access).

Reason: To ensure that safe, efficient, and improved accessibility is provided for all highway users.

3. Prior to first occupation of the development a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant to include:

- Footway widening/siding out/resurfacing.
- Pedestrian warning signs.
- Improvements to/provision of dropped kerb crossings.
- Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.

Reason: In the interests of highway safety and accessibility.

4. Prior to first occupation the provision of a bus stop pole and flag, timetable frame and raised kerb and platform serving the bus stop in Barnfield, location to be agreed.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

5. Prior to the first occupation of the proposed development, the developer shall be responsible for the provision and implementation – per dwelling - of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, for use with the relevant local public transport operator. This will be at no cost to the occupier.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN 1.

Informatives:

- i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- ii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- iii) There shall be no discharge of surface water onto the Highway.
- iv) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- v) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under

the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

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



.....
pp. Director for Highways and Transportation
Enquiries to Matthew Bradley
Telephone: 07557 081565
Email: matthew.bradley@essex.gov.uk

APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

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



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 11 May 2022
Our Ref: SUDS-005935
Your Ref: UTT/22/1014/OP

Dear Mr Vlachos

Consultation Response – UTT/22/1014/OP - Land North Of Hammond Road Hatfield Broad Oak

Thank you for your email received on 6 May 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in

accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 2.4l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL(300mm above flood level) and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA..

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the NPPF now states that the aim of sequential testing is to steer new development areas with the lowest risk of flooding from any source

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

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

Yours sincerely,

Alison Vaughan, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

the emergency planning and rescue implications of new development in making their decisions.

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

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

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

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

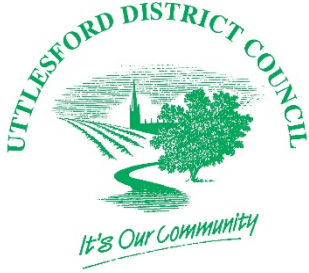
Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if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

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

- Sustainability of the development

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

Agenda Item 4



ITEM NUMBER: 4

PLANNING COMMITTEE DATE: 19 April 2023

REFERENCE NUMBER: UTT/22/3321/OP

LOCATION: Land Rear of Woodene
High Street
Little Chesterford

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 20 February 2023

PROPOSAL: Outline application with all matters reserved for a proposed new detached dwelling.

APPLICANT: Mrs M Miller

AGENT: Mr A Martin (Andrew Martin – Planning Ltd)

EXPIRY DATE: 03 February 2023

EOT Expiry Date: 06 April 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Local Plan).
Within Settlement Boundary (Neighbourhood Plan).
Within 100m of Local Wildlife Site (Great Chesterford/Little Chesterford – B184).
Within 100m of Special Verge (Great Chesterford/Little Chesterford – B184).

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Gregory).

1. EXECUTIVE SUMMARY

- 1.1** This is an outline application with all matters reserved for 1 no. detached dwelling. The application is recommended for approval subject to conditions.
- 1.2** The principle of the development is acceptable as an infill opportunity in within the settlement boundary of Little Chesterford. The indicative scheme complies with the relevant policies contained within the Great & Little Chesterford Neighbourhood Plan 2023.
- 1.3** Access, appearance, layout, scale and landscaping are reserved matters; subject to appropriate details being submitted at the reserved matters stage, the proposed development can preserve the character and appearance of the area, the residential amenities of any neighbouring or prospective occupiers, as well as the significance of the heritage assets in the vicinity, including a Grade II listed building (Riders Croft) and a non-designated heritage asset (Woodene).

- 1.4 Subject to the reserved matters, all other planning considerations are also acceptable, including environmental health, highway safety, ecology, and flood risk.

2. **RECOMMENDATION**

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

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises an infill plot that used to be part of the residential curtilage of Woodene (property to the east, now merged with April Cottage), located outside development limits in terms of Local Plan Policy S7, but within the settlement boundary of Little Chesterford as set out in the Neighbourhood Plan. The host dwelling is a 1.5-storey detached building considered a non-designated heritage asset. To the south-east of the application site there is a 2-storey detached Grade II listed building (Riders Croft). High Street is a 'sunken lane' with some raised banks characterising the local topography and character. The application site is surrounded by residential uses on all sides. The overall area contains a semi-urban feel and countryside setting with a traditional local vernacular and dwellings of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

- 4.1 The application seeks outline planning permission with all matters reserved for 1 no. detached dwelling.
- 4.2 The application includes the following documents:
- Application form
 - Design and access statement
 - Ecological survey and assessment
 - Planning and transport statement
 - Heritage statement
 - Historic letter from the Parish Council
 - Photograph
 - Response to comments
 - Biodiversity checklist.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/22/1923/PA	Infill detached dwelling.	Closed (07.09.2022).
UTT/15/0946/PA	Proposed new dwelling.	Closed (07.09.2022).
UTT/1158/96/FUL	Erection of detached dwelling and construction of access to highway.	Refused (19.02.1997). Appeal dismissed (26.08.1997).

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

7.1

Pre-application advice was sought twice prior to the submission of the application. The latest pre-app scheme (UTT/22/1923/PA) received positive feedback from the then Case Officer who discussed the principle of the development and concluded that:

The proposed dwelling results in [a] pattern of development that would infill an existing gap on the edge of the settlement limits. The proposal would be appropriate in the context of the rural location and therefore is not considered to be in conflict with the environmental strand of sustainable development set out in the NPPF or ULP Policy S7. The proposal is considered to comply with policy S7 and the NPPF and is acceptable in principle.

7.2

On her final conclusions, after discussing the details of the scheme (which are now only indicative), the then Case Officer noted that:

It is considered that the proposed development of the site may be acceptable in principle subject to an appropriate scheme being submitted. I have concerns with the proposed design and the limited nature of the plot size. The scheme would appear cramped and out of character with the more spacious qualities of adjoining housing and would be materially detrimental to the character and appearance of this part of the village. The proposed scheme would unlikely be recommended favourably at planning application stage, however this would be scrutinised by an Officer site visit and consultation phase.

7.3

No consultation exercise was carried out by the applicant and no Statement of Community Involvement was submitted with the application. However, there is no such requirement for consultation for a scheme of this size.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1

No objections in principle. Further review at the reserved matters stage (as access is a reserved matter).

9. **PARISH COUNCIL COMMENTS**

9.1 The Parish Council commented as follows:

• **Objections:**

- Heritage harm.
- Loss of earth bund/sunken bank.
- Out of character.
- Loss of light and overshadowing.
- Loss of privacy and overlooking.
- Overbearing impacts.
- 'Tilted balance' does not apply.
- UTT/1158/96/FUL – previously refused, appeal dismissed.
- Errors in application (plot size).
- Optic fibre cables in the bank / highway verge.
- Site clearance prior to application.
- Ecological concerns.
- Disturbances from construction.
- 2-storey dwelling.
- Visually prominent within the streetscene and eastern entrance of the village.
- Cramped appearance / small size of plot.
- Loss of view.
- No services and facilities – sustainability concerns.
- Highway safety concerns.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 UDC Landscape Officer/Arborist

10.2.1 No objections subject to condition.

10.3 Place Services (Conservation and Heritage)

10.3.1 No objections subject to condition. Further review at the reserved matters stage.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

11. **REPRESENTATIONS**

11.1 Site notice/s were displayed on site and notifications letters were sent to nearby properties. The application has also been the subject of a press notice and representations have been received.

11.2 **Support**

11.2.1 No comments.

11.3 **Object**

11.3.1 • **Objections:**

- UTT/1158/96/FUL – previously refused, appeal dismissed.
- Appeal decision applies to the application / Material consideration.
- Visually prominent within the streetscene.
- Inaccurate plans
- Cramped appearance / small size of plot.
- Harm to the character and appearance of the area.
- Countryside harm.
- Contemporary, modern design.
- Pre-app response negative.
- Topography and position of development harm Locally Important View (High Street – eastern entrance).
- Loss of earth bund/sunken bank.
- Conflict with Local and Neighbourhood Plans.
- Limited economic benefits.
- No services and facilities – sustainability concerns.
- Inappropriate design and materials.
- Loss of light and overshadowing.
- Loss of privacy and overlooking.
- Overbearing impacts.
- Heritage harm.
- Highway safety concerns.
- Potential damage to neighbouring retaining walls.
- Errors in application (plot size).
- Historic well in Rider's Croft's garden.
- Loss of view.
- Neighbouring dwellings at least 1m from their boundaries.
- Large developments in progress in Great Chesterford.
- Site clearance prior to application.
- Disturbances from construction.
- Policy changes over the years not sufficient to depart from previous decision.
- Heritage Statement necessary.
- No significant landscaping and tree planting offers.
- Proposed dwelling modest in size.
- Village has traditional character.
- Optic fibre cables in the bank / highway verge.

- The presumption at paragraph 11(d) must be read in conjunction with paragraph 14.
- The application proposal conflicts with the Neighbourhood Plan.
- The 'tilted balance' does not apply.
- Misguided application of the 'tilted balance'.
- What if high-quality development doesn't come forward?
- What does high-quality development mean?
- Heritage Statement – major deficiencies in the methodology and conclusions, contrary to paragraph 194 of the NPPF.
- Heritage Statement – no significance assessment and no impact assessment from the proposal.
- Undeveloped open space makes important contribution to the setting of Riders Croft.
- Place Services fails to justify why the site makes a neutral contribution to the setting of the listed building.
- Fundamental errors could result in legal challenge.
- Condition C.90A of UTT/0468/96/FUL prohibited the loss of green screening on the northern boundary (front) of the site, but it was removed on 04 March 2022.
- Effective use of the land – limited benefit.
- Contribution to the housing supply – limited benefit.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but legal.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

13.2.1 Policy S7 – The countryside
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy ENV2 – Development affecting Listed Buildings
Policy ENV3 – Open Space and Trees
Policy ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
Policy ENV10 – Noise Sensitive Development
Policy ENV12 – Protection of Water Resources
Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land
Policy H10 – Housing Mix

13.3 Great and Little Chesterford Neighbourhood Plan (made Feb 2023)

- 13.3.1 Policy GLCNP/1 – Overall spatial strategy
- Policy GLCNP/2 – Settlement pattern and separation
- Policy GLCNP/3 – Getting around
- Policy GLCNP/4b – Views
- Policy GLCNP/5 – Historic environment
- Policy GLCNP/7 – Local green spaces
- Policy GLCNP/9 – Housing

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
 - A) Principle
 - B) Design, scale, layout, landscape / Heritage impacts
 - C) Residential amenity
 - D) Access and parking
 - E) Ecology
 - F) Contamination
 - G) Archaeology
 - H) Flood risk and drainage
 - I) Housing mix
 - J) Other matters

14.3 A) Principle

14.3.1 With the Council unable to demonstrate a 5YHLS¹, paragraph 11(d) of the NPPF applies, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would 'significantly and demonstrably' outweigh the benefits. Due to the 5YHLS shortfall, some residential development must be directed outside development limits where appropriate and the Council's approach to 'windfall development' is effective given the gradual increase.

¹ Currently at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

14.3.2 Applying policies S7 and GEN1(e) of the Local Plan and Neighbourhood Plan policies in conjunction with paragraph 8 of the NPPF

In **economic** terms, the proposal provides a small contribution towards the wider local economy during construction via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.3 In social and environmental terms:

14.3.4 Location – Isolation:

Recent case law² defined ‘isolation’ as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated as it is part of Little Chesterford. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable.

14.3.5 Location – Services and facilities:

Little Chesterford has very limited services and facilities, with some services and facilities provided in Great Chesterford and a full range in Saffron Walden.

14.3.6 The nearest bus stop (Park Road Turn stop – 2’ walk) is 140m to the south-east of the application site (see image). The nearest school (Great Chesterford Church of England Primary School – 25’ walk) is 2.1km from the site and the nearest supermarket (Aldi – 1h walk) is 4.8km from the site in Saffron Walden. There are, however, pedestrian footpaths, lit and maintained, that link the application site to the bus stop.



14.3.7 The occupants of the proposed dwelling would be able to safely access sustainable public transport within walking distances. As there is a realistic alternative, some movements to and from the site would not be undertaken by the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development as per the NPPF requirements. Therefore, the sustainability credentials of the site are satisfactory in NPPF terms, and the development accords with paragraphs 104(c), 110(a) of the

² Braintree DC v SSCLG [2018] EWCA Civ. 610.

NPPF, policy GLCNP/3(1)-(3) of the Neighbourhood Plan, and policy GEN1(e) of the Local Plan.

14.3.8 Previously developed land:

The site is not previously developed land (in the context of the NPPF glossary and a Court of Appeal decision³), as there are no planning records and other material considerations (e.g. domestic paraphernalia) to suggest otherwise. Although the plot comprises former garden land that was part of the curtilage of Woodene and the (then separate) April Cottage⁴, this is no longer the case, as the plot is physically disconnected by the neighbouring residential curtilages.

14.3.9 Effective use of land – Infill:

Development on a greenfield site outside development limits would not necessarily be more effective use of the land, however, on this occasion, the site can be characterised as under-used land, as it immediately neighbours residential curtilages on three sides with additional residential properties across the road to the north. Therefore, paragraphs 119 and 120(d) of the NPPF are supportive of the development.

14.3.10 Paragraph 6.13 of the Local Plan states that “*Infilling with new houses will be permitted within settlements subject to safeguards*” and paragraph 6.14 of the Local Plan allows “*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*” if the development is in character with the surroundings and have limited impacts on the countryside. By reason of the development’s position in relation to Woodene and Arpinum to the east and west respectively, the site comprises an infill opportunity. Therefore, the development accords with paragraphs 6.13-14 of the Local Plan, and policy GLCNP/9 of the Neighbourhood Plan that supports residential development proposals on infill sites.

14.3.11 Character and appearance – Countryside:

The local character contains a semi-urban feel and countryside setting with limited views to the wider landscape and a restricted sense of openness (see photographs). The development is not tucked away from the public realm, but the screening on its boundaries and its infill nature between residential curtilages make the site self-contained. The development introduces built form in the countryside; however, the level of urbanising effects⁵ would be negligible. Therefore, the development is accords with policy S7 and paragraph 174(b) of the NPPF. The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174(b) that recognises the intrinsic character and beauty of the countryside. In addition, policy GLCNP/1(2) of the Neighbourhood Plan

³ Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁴ Planning and Transport Statement, paragraphs 1.4, 2.5.

⁵ Domestic appearance of built form and domestic paraphernalia with which housing is associated.

does not place any additional constraints on countryside locations if they are within Little Chesterford's settlement boundary (see first map), whilst policy GLCNP/2(1) is not applicable as the site falls outside the separation zones (see second map).



14.3.12 Notwithstanding its verdant appearance, by reason of its small size and infill nature, the site does not play an important role⁶ in the semi-urban character and appearance of the area, and as such, it would not be a visual barrier to this character. The loss of this open land that makes a neutral contribution to the visual amenity of the area, causes no harm to the character and appearance of the area. Therefore, when quantified, countryside harm is zero without any urbanising effects to the character and appearance of the area. This holds significant weight.

14.3.13 Character and appearance – Pattern of development:
 The scheme does not consolidate sporadic development to the detriment of the character and appearance of the countryside, as the infill nature of the plot does not compromise the visual amenity of the area and streetscene. There is no clear building line to the south or north of High Street, and as such, the indicative position of the development slightly ahead of the immediate neighbouring properties is not a concern. Therefore, the proposal is in keeping with the pattern of development in the area.

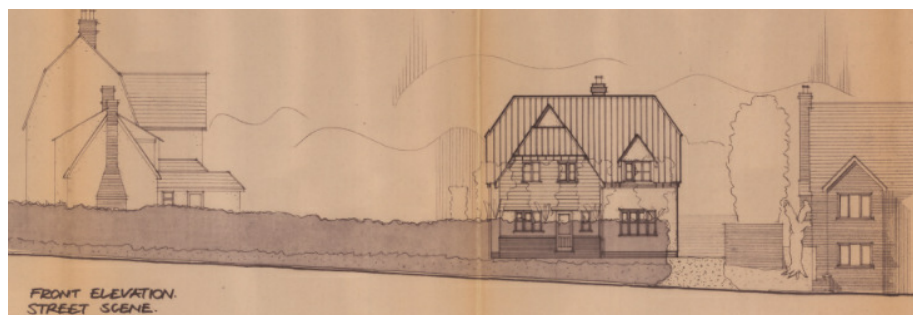
14.3.14 Other material considerations:
 It is well-established law that previous decisions can be material considerations because like cases should be decided in a like manner, to ensure consistency in decision-making. However, previous Secretary of State or LPA decisions do not set a precedent for the assessment of similar developments; the benefits and harm, and the levels of each, will depend on the specific characteristics of a site and scheme. On this occasion, the following decision is relevant:

⁶ The site is not part of the Local Green Spaces identified in Table 5.3 and Figure 5.22 of the Neighbourhood Plan, and as such, policy GLCNP/7 does not apply.

- **UTT/1158/96/FUL**⁷ (same site) – The appeal was dismissed on the grounds of harm to the character and appearance of the area:

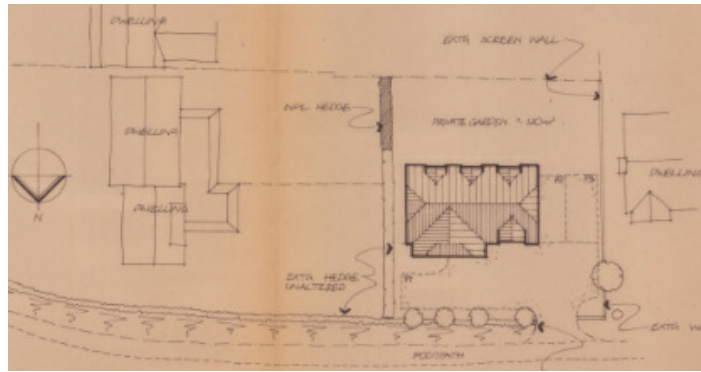
14.3.15 The Inspector was concerned that the proposed house “*would be seen prominently in the street scene and from the public footpath*” to the south (paragraph 9). He noted that the appeal site makes an important contribution to the setting of the neighbouring properties (Woodene, Arpinum) and the appeal scheme is a “*significant incursion into this gap*” as “*the restricted depth of the plot of the proposed dwelling would contrast adversely with the space and setting of existing houses*” (paragraph 10). The Inspector concluded that the appeal scheme “*would appear cramped and out of character with the more spacious qualities of adjoining housing, particularly that to the south and west*” (paragraph 12).

14.3.16 Notwithstanding the above and the comments received from nearby residents indicating otherwise, the indicative details submitted with the application are markedly different to the 2-storey dwelling of sizeable scale and massing⁸ proposed in the 1997 appeal scheme (see drawings). Although such details would be further assessed at the reserved matters stage, the indicative design makes the proposed dwelling less prominent within the streetscene in comparison to the appeal scheme, showing that it is possible for the reserved matters application to bring forward an acceptable scheme. The neighbouring dwellings benefit from somewhat larger gardens than the application site. However, there is no policy protection on the setting of neighbouring properties (apart from the setting of listed buildings, see Section 2), plus the Inspector acknowledged “*considerable variety of housing fronting the minor road through the village ranging from small cottages in narrow plots to larger detached houses in more generous settings*” (paragraph 6). The width of the plot is also similar to the width of neighbouring plots. Therefore, notwithstanding the significant policy shifts from the 1990s, the development passes the test set out by the Inspector.



⁷ T/APP/C1570/A/97/281490/P7 – Erection of detached dwelling and construction of access to highway: Appeal dismissed on 26 Aug 1997.

⁸ The appeal scheme was higher at the ridge than the neighbouring property of Aprinum, whereas the current application includes a dwelling with a lower ridge height than that of Aprinum.



14.3.17 Conclusion:

The planning balance under paragraph 11(d) of the NPPF tilts in favour of the principle of the development (see Conclusions).

14.3.18 Overall, the principle of the development is acceptable, and accords with policies S7, GEN1(e) and paragraphs 6.13-6.14 of the Local Plan, policies GLCNP/3(1)-(3), CLCNP/9, GLCNP/1(2) of the Neighbourhood Plan, and the NPPF.

14.4 B) Design, scale, layout, landscape / Heritage impacts

14.4.1 Appearance, scale, layout and landscaping are reserved matters. However, some preliminary comments can be made using the indicative details submitted with the outline application.

14.4.2 In terms of heritage impacts, the Conservation Officer reported that Woodene is a non-designated heritage asset due to its historic and architectural interest. Conservation also reported that with this outline type of application, advice is limited to the principle of the development only and a Heritage Statement is necessary, as per paragraph 194 of the NPPF. Following the submission of a Heritage Statement, the Conservation Officer reported no harm to the significance of the heritage assets through the erection of a detached dwelling. The site makes a neutral contribution to the setting of the assets and as evidenced from historic maps, it was the part of the residential curtilage of Woodene and physically separate from the curtilage of the listed building. Therefore, the Conservation Officer raised **no objections**, as the development preserves the setting and significance of the listed building and the non-designated heritage asset, without causing 'less than substantial harm'⁹, in compliance with paragraphs 194, 202 and 203 of the NPPF, and policy GLCNP/5 of the Neighbourhood Plan. For future reference, Conservation suggested that the reserved matters application should include a high-quality development, which is sympathetic to the local character and the setting of the heritage assets.

⁹ Lowest end of the spectrum 'less than substantial harm' for the impact on the Conservation Area.

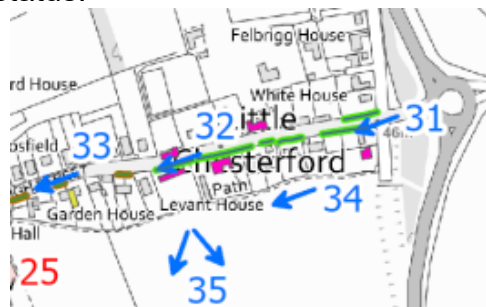
- 14.4.3** On this occasion, no harm is identified that would trigger the balancing exercise of paragraph 202 of the NPPF.
- 14.4.4** In terms of design and form, based on the indicative information submitted, some preliminary comments can be made here that should be utilised for the reserved matters application (if outline permission is granted). The indicative design works with the topography of the site, resulting in a 2-storey dwelling on its front elevation, but only a single storey at the rear elevation that resembles a modest bungalow¹⁰. The revised elevations are in keeping with the traditional local vernacular, complying with policy GLCNP/2(2) of the Neighbourhood Plan, which states that any development should be sensitively designed, respecting the historic nature and historic architecture, conforming to the existing development patterns: nucleated in Great Chesterford and linear in Little Chesterford. The Conservation Officer concurs with this view and considers the revised indicative elevations “*overcome initial concerns upon the potential impact to local character and distinctiveness*”, complying with paragraph 197(c) of the NPPF. However, this assessment shall be repeated in the reserved matters stage.
- 14.4.5** In terms of size, scale and layout, the indicative position of built form within the land in combination with the width and depth (total footprint) of the proposed dwelling would create a cramped appearance for the site that should be revised for any reserved matters application to preserve the character and appearance of the area.
- 14.4.6** In terms of landscape, trees and boundaries, landscaping is a reserved and no further details were provided at the outline stage. The Landscape Officer raised **no objections** subject to a landscaping condition (pre-commencement), particularly to enhance the frontage of the site with native hedging and to retain the difference in ground levels (apart from any access). No harm to the special verge is considered. This matter will also be further examined in the reserved matters stage.
- 14.4.7** Policy GLCNP/4b(a) of the Neighbourhood Plan states that development will be supported if it maintains or enhances and does not significantly adversely impact upon the Important Views or Locally Important Views (see map). This matter will be further picked up at the reserved matters application, as the introductory paragraph 5.4.9 to policy GLCNP/4b(a) of the Neighbourhood Plan ties Locally Important Views specifically to the scale, height, materials and lighting of the proposal, which are reserved matters. Notwithstanding any comments indicating otherwise, the indicative height of the proposed dwelling is an additional safeguard that the proposal does not significantly adversely impact upon the Locally Important View No. 31, as it will be experienced from the entrance to the village (see photograph). The presence of green screening provides appropriate mitigation against the impact of the proposed development on the local character and views, and this mitigation may be further enhanced

¹⁰ Design and Access Statement, paragraphs 4.2, 4.4.

through a landscaping condition (pre-commencement) following the reserved matters.



14.4.8 In addition, policy GLCNP/5(6) of the Neighbourhood Plan states that the Local Historic Features (flint walls and sunken banks) in Little Chesterford should be conserved or enhanced by any development proposals (see map). Notwithstanding any comments indicating otherwise, the illustrative scheme will have a minor impact on the ‘sunken bank’ as it will require only a small loss of the bank to accommodate the access. Although the access itself is a reserved matter, if the loss of the bank is limited to the dimensions required by the highway safety standards, the ‘sunken bank’ is materially conserved. The purpose of the above policy is elaborated in paragraph 5.5.5 of its introductory text where it states that “*Sunken Banks running alongside the road are a historical and unique feature of the villages and they provide a buffer between roads and properties. They add to the character of the village and contribute to the historical charm and feel*”. The applicant notes that “*Part of the bank on either side of the proposed dwelling will be retained*”¹¹. Therefore, subject to the reserved matters, the alteration of the bank may be limited to necessity, retaining most of the elevated frontage. Finally, the Landscape Officer noted that even though it is a sunken lane, it does not benefit from a Protected Lane status.



14.4.9 The following conditions are necessary as per paragraph 56 of the NPPF:

- Materials (pre-commencement), to preserve the character and appearance of the area, to preserve the significance of the heritage assets, and to ensure the building is visually attractive.
- Renewable energy/climate control measures, to ensure the development is sustainable and makes efficient use of energy, water and materials, in accordance with UDC’s Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 edition) for all potential users.

¹¹ Response to Comments, p.5.

14.4.10 The applicant agreed in writing to all pre-commencement conditions on 20 Feb 2023.

14.4.11 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.5 C) Residential amenity

14.5.1 Appearance, scale and layout are reserved matters, and as such, the following comments are only preliminary at this stage.

14.5.2 In terms of the residential amenity of the occupants, indicatively, the dwelling is 2-storey (as viewed from the north) with a 3B5P bedroom/persons occupancy (see indicative internal layouts) with a gross internal area exceeding minimum standards (see Table¹²).

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

14.5.3 In terms of private amenity (garden) space, the dwelling has an adequate garden (100m² threshold, see Essex Design Guide). A dwelling of smaller footprint would free up more garden space.

14.5.4 In terms of noise, odours, vibrations, light pollution, dust and other disturbances, the Environmental Health Officer raised **no objections** subject to conditions in the interests of residential amenities (see Section 6 for conditions to protect human health and the environment). The condition refers to a Construction/Demolition Management Plan, however, this would fail the enforceability test of paragraph 56 of the NPPF, and as such, it will be included in the decision notice as an informative.

14.5.5 In terms of the amenity of neighbouring occupiers, the scale, design and position of the dwelling in relation to the neighbouring dwellings (including the host) would be tested in the reserved matters stage when the final details would be available. This includes the application of the design and

¹² Nationally Described Space Standard.

remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), to assess whether any material overshadowing, overlooking (actual or perceived) and overbearing effects are considered. Based on the indicative information, the integration of the proposed dwelling into the changing ground levels with its bungalow appearance to the rear limit any impacts on the residential amenity of the neighbouring occupiers. However, the applicant must demonstrate in the reserved matters that the proposed dwelling will have a private garden, not invaded by upper-floor side-facing habitable room windows of the neighbouring dwellings to the east and west.

14.5.6 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.6 D) Access and parking

14.6.1 Access is a reserved matter (see Application Form).

14.6.2 From a highway and transportation perspective, the Highway Authority raised **no objections** in principle in the interests of highway safety, as the development accords with the ECC Supplementary Guidance – DM Policies (Feb 2011) and policy GEN1. However, further assessment and details will be needed for the determination of a suitable and safe access for this proposal at the reserved matters stage.

14.6.3 Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. The indicative drawings show 2 no. parking spaces of appropriate dimensions. However, a less cramped layout would allow space for an appropriate turning area to avoid reversing into the public highway; layout is one of the reserved matters. Bedroom numbers include, indicatively, 3 no. bedrooms (including the study). The development, at the reserved matters, must meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.6.4 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures. The local planning authority has a statutory duty to take decisions with certainty on impacts on protected and priority species and habitats under s40 of the NERC Act 2006 and to prevent wildlife crime under s17 of the Crime and Disorder Act 1998. The conditions refer to action in accordance with the appraisal recommendations, a Biodiversity Compensation and Enhancement Strategy and lighting scheme. Therefore, notwithstanding the concerns of nearby residents, the development complies with paragraphs 43, 174(d), 180(a) of the NPPF.

14.7.2 Overall, the proposal is acceptable in nature conservation, ecological and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health Officer raised **no objections** subject to conditions to protect human health and the environment. The condition refers to potential land contamination.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with ULP Policies ENV14, ENV12, ENV13, and the NPPF.

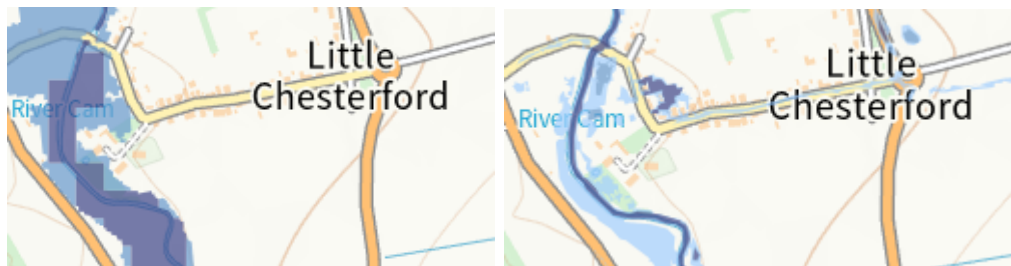
14.9 G) Archaeology

14.9.1 The Archaeology Officer raised **no objections** subject to conditions for an archaeological programme of trial trenching followed by open area excavation, to preserve in situ potential archaeological remains. The conditions refer to a written scheme of investigation, completion of the archaeological fieldwork, as well as a post excavation assessment, including analysis, a full site archive and a publication report.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with ULP Policy ENV4, and the NPPF.

14.10 H) Flood risk and drainage

14.10.1 The site falls within Flood Risk Zone 1, and as such, a Flood Risk Assessment (FRA) is not required and no material increase in flood risk is considered¹³. The following images show the extent of flooding from rivers and from surface water.



14.10.2 Overall, the proposal is acceptable in terms of flood protection, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is less than 0.1ha and for 1 no. dwelling, thus H10 is

¹³ Standing advice from, and contact information of, the Environment Agency can be found here: <https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities>.

not relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties.

14.12 J) Other matters

14.12.1 Notwithstanding the issues that nearby residents raised about a potential miscalculation of the plot's area, this measurement does not play a direct role in decision-making, as the site and its surroundings were experienced first-hand by the case officer in his site visit, as well as by Members. In addition, the applicant provided evidence to the local planning authority for the ownership of the land¹⁴ and served the appropriate notices.

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

¹⁴ Response to Comments, p.2.

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

16. CONCLUSION

16.1 In conclusion, the development is acceptable and complies with all relevant Local and Neighbourhood Plan policies, and the NPPF. In summary:

- The principle of the development is acceptable as an infill site.
- The appearance, scale, layout and landscaping details of the scheme are only indicative at this outline stage (reserved matters to be agreed in a subsequent application).
- The heritage impacts of the development are in-principle acceptable.
- The impact on the residential amenity for any neighbouring or prospective occupiers will be examined at the reserved matters application.
- The access is only indicative at this outline stage; highway safety implications will be examined at the reserved matters application.
- The development is acceptable in ecological terms.
- No contamination issues are raised by Environmental Health.
- The development does not increase flood risk on site or elsewhere.
- The potential archaeological implications of the development require planning conditions to secure an archaeological investigation programme.

17. CONDITIONS

17.1 The following conditions are necessary as per paragraph 56 of the NPPF:

1 Approval of the details of access, scale, layout, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

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

- 4** Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, to preserve the significance of the heritage assets, and to ensure the building is visually attractive, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, ENV2, the Neighbourhood Plan, the Essex Design Guide, and the National Planning Policy Framework (2021).

- 5** Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 6** Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the Written Scheme of Investigation (WSI) shall be completed.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 7** Following completion of the archaeological investigation and within six (6) months from that completion, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is deposited at the local museum and a publication report is submitted to the Local Planning Authority.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 8** Prior to any works above slab level, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all measures shall be implemented as approved.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV15 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 9** Prior to any works above slab level, a Biodiversity Compensation and Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) persons responsible for implementing the enhancement measures;
- d) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the works shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

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

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

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 11** Prior to occupation of the development hereby approved, an electric vehicle charging point shall be provided on site for the dwelling. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 12** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority and work must be halted on the part of the site affected by the unexpected contamination. Any land contamination identified, shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2021).

- 13** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted

Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 14** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

Agenda Item 5



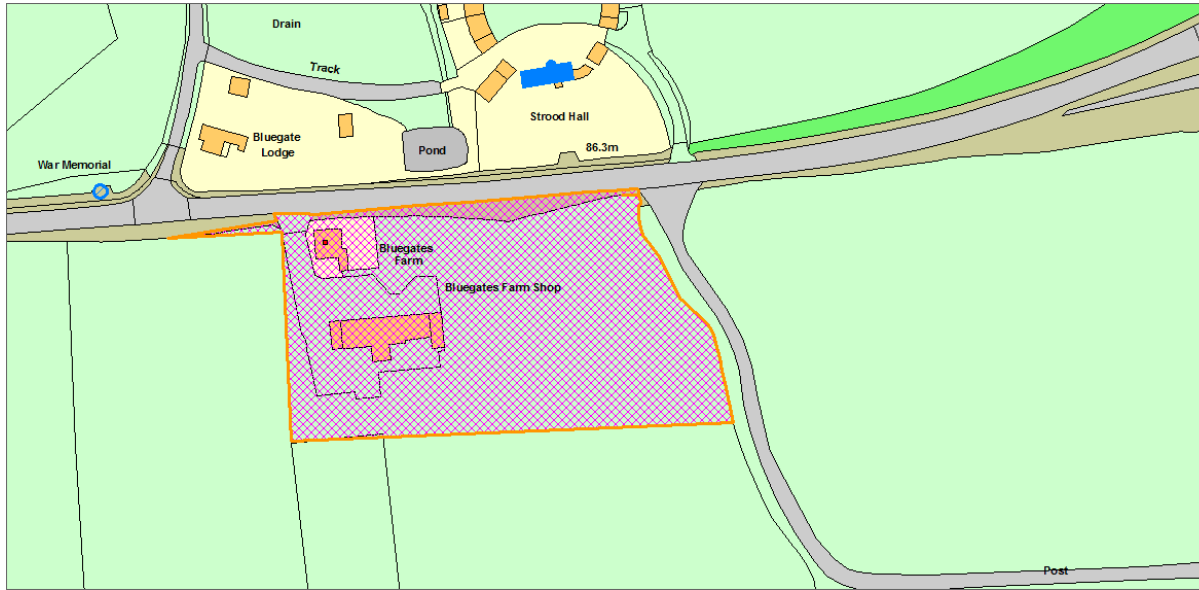
ITEM NUMBER: 5

PLANNING COMMITTEE DATE: 19 April 2023

REFERENCE NUMBER: UTT/22/1752/FUL

LOCATION: Bluegates Farm, Stortford Road, Little Canfield

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 17/01/2022

PROPOSAL: Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

APPLICANT: Mr Peter Curran,

AGENT: Mr Paul Calder,

EXPIRY DATE: 31 August 2022

EOT Expiry Date: 13 January 2023

CASE OFFICER: Nathan Makwana

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Councillor Sutton

1. EXECUTIVE SUMMARY

1.1 This application is for the Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution). It follows a previous 2018 application, UTT/18/2478/FUL which was for the proposed demolition of existing residential property and office building and replacement with 1no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping. In order to facilitate the proposed change of use, the car park will be re configured so that larger vehicles including HGV's (heavy goods vehicles) can safely park at the site.

1.2 The application has been through various rounds of consultation with the Local Highways Authority who raise no objection, neither do Ecology nor Conservation.

2. RECOMMENDATION

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

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

And

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site is located within an area of generally open countryside midway between the town of Great Dunmow and the village of Little Canfield. It is situated on the southern side of the Stortford Road (B1256) and in close proximity to the A120, a key infrastructure corridor through Essex. The site adjoins open fields to the east and west while to the north, on the opposite side of the road, lie residential properties. Flitch Way runs along the southern boundary of the site. There is existing mature vegetation along this boundary screening the site from views when pedestrians and cyclist travel along the Flitch Way.

3.2 The site measures 0.76 hectares and is broadly rectangular shaped. Access to the site is gained directly off the Stortford Road to the north.

3.3 The site falls outside a defined settlement or any other designation for the purposes of local planning policy.

4. PROPOSAL

4.1 Planning permission is sought for the change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution).

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1 UTT/18/2478/FUL - Proposed demolition of existing residential property and office building and replacement with 1no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping – Approved with Conditions on 18.04.2019

6.2 UTT/20/2498/NMA - Non-Material Amendment to UTT/18/2478/FUL - to add plans condition listing plan numbers 960.002.03, 960.201.01, 960.202.02, 960.203.00, 960.204.01, 960.205.01, 960.206.00, 960.207.00, 960.208.01 and 960.209.00 – Approved on 05.11.2020

6.3 UTT/22/0198/NMA – Non-Material amendments to UTT/18/2478/FUL-amend position of building and add fire escape personnel doors to southern elevation – Approved on 25.01.2022

7. PREAPPLICATION ADVICE

7.1 No pre-application advice has been sought for this planning application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

9. PARISH COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 ECC Place Services (Ecology)

10.1.1 No objection to this application. Do not consider there are likely to be any additional impacts to ecology from the proposed change of use. Biodiversity enhancements have also been secured by design.

10.2 ECC Place Services (Buildings and Conservation)

10.2.1 No objection to this application.

The building affected by this application is a modern building recently consented under UTT/18/2478/FUL and the subsequent non-material amendment applications. Across the road, to the north of the site is the Grade II listed building Strood Hall (list entry number: 1087908).

It is understood that this application seeks consent for the change of use only and that no external changes are proposed, raise no objection to this application.

10.3 UDC Environmental Health

10.3.1 The Environmental Protection Team have no objections to the proposed change of use.

11. REPRESENTATIONS

11.1 This application has been publicised by Site notices and local press adverts. In addition, 79 notifications letters were sent to nearby properties.

11.2 No representations have been received.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 The Development Plan

12.3.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN4 – Good Neighbourliness
 - GEN5 – Light Pollution
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - E3 – Access to Workplaces
 - ENV2 – Development Affecting Listed Buildings
 - ENV10 – Noise Sensitive Developments
 - ENV12 – Groundwater Protection
 - ENV14 – Contaminated Land

13.3 Supplementary Planning Document or Guidance

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

14 CONSIDERATIONS AND ASSESSMENT

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

14.1.1 A) The Principle of Development

- B) Design and impact on neighbour’s amenity and character and setting of adjacent Listed Buildings**
- C) Highways and Access**
- D) Ecology**
- E) Planning Obligations**

14.2 A) The Principle of Development

14.2.1 The application site is located outside both of the development limits of Little Canfield and Great Dunmow and is therefore located within the open countryside and is therefore located within the Countryside where policy S7 applies.

14.2.2 This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are

special reasons why the development in the form proposed needs to be there.

14.2.3 This is a successor application to UTT/18/2478/FUL which was for the Proposed demolition of existing residential property and office building and replacement with 1 no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping.

14.2.4 In determining the application, the then officer report determined that in view that most of the existing site is brownfield, and that the Council has a shortage of commercial accommodation, the harm caused to the countryside setting and limited harm to the setting of the nearby Listed Buildings, on balance, the benefits are considered to outweigh the harm and therefore the principle of the development of this site for office use purposes is acceptable subject to the proposal complying with all other relevant Development Plan policies.

14.2.5 Planning consent UTT/18/2478/FUL has been implemented. This proposal seeks merely to change the use from its previous B1 (now Class E) use to a mixed Class E and B8 (Storage and Distribution). According to the Planning Statement, “the proposed change of use would provide for the continued and improved economic use of the site. Since the grant of planning permission for office use in 2018, and the recent Covid-19 pandemic, working habits have significantly changed and office-based businesses have shifted to increased working from home while internet-based businesses have significantly increased. Such businesses tend to require a smaller but increased storage provision for their equipment and goods.”

14.2.6 It goes on to state that the applicant has therefore experienced a significant reduction in the need for/interest in the approved office space and seeks to provide a mixed use for office and storage purposes in response to the recent change in working practices. The site benefits from a previously approved B1 (Class E) use and now seeks to expand this to Class E and B8 (storage and distribution).

14.2.7 Subject to all other material considerations assessed below, the proposal accords with ULP Policies S7 and E3 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.3 B) Design and impact on neighbouring amenity and character and setting of adjacent Listed Buildings

14.3.1 Policy GEN2 states that development will not be permitted unless its design is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.3.2 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. A Heritage Statement has been submitted with the application.

- 14.3.3** As the proposal is simply for the change of use, there are no proposed external changes to the building and no impact on the appearance of this part of Stortford Road to the setting of any adjacent listed buildings.
- 14.3.4** The applicant has indicated that the proposed change of use is required to enable storage of goods in conjunction with the formerly consented office use. Internally the building would comprise of 7 modestly sized units ranging in size from 152 – 182sq metres.
- Notwithstanding, the proposed B8 use of the site will involve the need to re – configure the existing car park so that it is capable of accommodating larger vehicles should this be required.
- 14.3.5** In view of the separation distances from neighbouring properties the proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact to neighbour’s amenity. Conditions that were previously required to control the opening/closing times of the building to minimise the impact of the development on the neighbour’s amenity are to be re – imposed. As the nature of B8 uses can involve storage it is considered appropriate to impose a planning condition that would prohibit any external storage at this site. It is considered that the proposal would not result in any material detrimental impact on neighbour’s amenity over and above than that that already exists to such an extent to warrant refusal of the scheme
- 14.3.6** The Conservation Officer has been consulted on the scheme and states that the building affected by this application is a modern building recently consented under UTT/18/2478/FUL and the subsequent non-material amendment applications. Across the road, to the north of the site is the Grade II listed building Strood Hall (list entry number: 1087908).
- 14.3.7** It is understood that this application seeks consent for the change of use only and that no external changes are proposed, therefore they do not consider there to be any additional impact and thus they raise no objection to this application.
- 14.3.8** Policy GEN4 states that development and uses will not be permitted where noise and light would cause material disturbance or nuisance to occupiers of surrounding properties. Policy GEN5 states that development that includes a lighting scheme will not be permitted unless: The level of lighting and its period of use is the minimum necessary to achieve its purposes and glare and light spillage from the site is minimised.
- 14.3.9** It is not considered that the proposal would result in extra noise over and above that that already exists. The applicant has indicated that plant and machinery will not be used at this site, and it is considered appropriate to include a planning condition to prohibit this, in the interests of residential amenity. In terms of hours of operation, the

applicant does not seek any additional hours to that which has already been consented in planning permission UTT/18/2478/FUL; therefore, the same conditions will be re – imposed on this application.

- 14.3.10** Policy E3 requires that development that would result in the provision of jobs will be required to include the highest standards of accessibility and inclusion for all people regardless of disability, age, or gender. The retains level access to the principal floors and disabled bays adjacent to the side of the southern side of the building.
- 14.3.11** The proposal is therefore considered to accord with ULP Policies GEN2, GEN5, E3, ENV2 and GEN4 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.4 C) Highways and Access

- 14.4.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.4.2** ULP policy GEN8 specifies that development will not be permitted if the number, design, and layout of vehicle parking places proposed are not appropriate for the location.
- 14.4.3** The parking standards do not change from the previous application in so far as that the office building is 2322 sqm. The parking standards require a maximum of 77 parking spaces of which four should be disabled spaces. The proposal includes 73 parking spaces and 4 disability spaces and will also provide 34 cycle spaces. This remains unchanged from the previous planning application.
- 14.4.4** The internal parking layout within the site will be altered so that it can accommodate larger vehicles. It has also been demonstrated that larger vehicles can safely access and depart from the site without detriment to highway safety. The application has therefore been amended to the satisfaction of the Highways Authority.
- 14.4.5** The proposals seek to provide access to the site as per that consented under the extant planning permission (i.e. via a ghosted-right turn lane arrangement) suitable for use by vehicles up to a maximum HGV. This access arrangement has been submitted for Technical Approval (S278) permission through the extant scheme, and minor modifications have been made to the layout as part of that process, however, they do not fundamentally change the planned access arrangements.

The previous planning permission required a travel plan and contribution which the Highway Authority acknowledge as has been paid on

implementation. The Highway Authority require a revised travel plan and contribution in respect of this current proposal.

14.4.6 The Highways Authority do not object to the proposal subject to, conditions and an amended travel plan. The proposal accords with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.5 D) Ecology

14.5.1 Policy GEN7 of the Local plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and /or compensate for the potential impacts of development must be secured. As the proposal would involve the demolition of a building, there is the potential for the development to have an impact on protected species.

14.5.2 The Ecology Officer has reviewed the above application and does not consider there are likely to be any additional impacts to ecology from the proposed change of use. We therefore have no objection to this application. Biodiversity enhancements have also been secured by design.

14.5.3 The proposal therefore complies with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.6 E) Planning Obligations

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

14.6.2 A sum of **£6,383.00** to be paid to the Local Highways Authority to include a travel plan monitoring fee.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The subject building has planning consent for Class E use. The proposed change of use to Class E and B8 use is considered to be acceptable in principle subject to restrictions on external storage and the use of plant and machinery.

16.2 No external alterations are required to the existing building in order to facilitate the change of use.

16.3 The access is considered to be acceptable and capable of accommodating the vehicular movements associated with the proposals. Sufficient vehicular parking would be provided to meet the needs of the proposed use. The proposal subject to conditions would comply with policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

16.4 It is not considered that the proposal would have any material detrimental impact in respect of protected species and complies with policy GEN7.

16.5 Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

16.6 It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- (i) Travel Plan monitoring Fee £6,383.00.
 - (ii) Pay Monitoring Costs
 - (iii) Pay Council's Reasonable Legal Costs

17.3 CONDITIONS

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

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

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

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

- 3** Prior to occupation of the development, the provision of an access formed at right angles to B1256 Stortford Road, as shown in principle on DWG no. 181820-002 Rev C (dated 03/07/2018), with 2 two metre wide footways, a ghost island to current design standards and clear to ground visibility splays with dimensions of 2.4 metres by 177 metres to the east and 2.4 metres by 158 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and provide adequate intervisibility between vehicles using the road junction and those in the existing public highway, in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 4** Prior to occupation of the development, improvements to the passenger transport infrastructure at the bus stops located adjacent the proposal site on both sides of B1256 Stortford Road shall be provided, to include raised kerbs, hardstanding, flags, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority and shall be implemented prior to occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interest of accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 5** Prior to occupation of the development, 2 metre wide footways shall be provided from the site access to the proposed bus stops to the east and west of the site with a suitable pedestrian crossing facility of B1256 Stortford Road. Details to be agreed with the Highway Authority and shall be implemented prior to occupation.

REASON: In the interests of pedestrian safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 6** The use hereby consented shall not commence until the Developer has submitted and obtained written approval of an amended Travel Plan to UTT/18/2478/FUL from Essex County Council as Highway Authority. The amended Travel Plan shall be implemented on first occupation of the development and shall be adhered to thereafter.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 7** The use hereby consented shall not commence until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 7** Cycle parking shall be provided in accordance with the EPOA (Essex Planning Officers Association) Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with ULP Policies GEN1

and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 8.** No vehicles associated with passengers using Stansted Airport shall be parked on the site for more than 24 hours in any period of 14 days.

REASON: To ensure car parking spaces are provided solely to serve the office use on the site. furthermore, it is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside in accordance with ULP policy (adopted 2005) T3 and the NPPF 2021.

- 9.** No lights within the building hereby permitted shall be illuminated between the hours of 21.00 hrs and 06.00hrs.

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

- 10.** The development hereby permitted shall not operate before 06.00 am or after 21.00 Monday - Saturday or before 10.00 am or after 18.00 hours on Sunday.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF 2021.

- 11.** The use hereby permitted shall not involve the installation or use of plant or machinery.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF 2021.

- 12.** The development hereby consented shall not involve any external storage.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF 2021.

Appendix 1 – Essex County Council Highways Comments (Recent Comments)

Your Ref: UTT/221752/FUL
Our Ref: 32984
Date: 10th November 2022



CC: (by email) *DM, SMO2, Chelmsford
Cllr Susan Barker*

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1752/FUL
Applicant Mr Peter Curran
Site Location Bluegates Farm Stortford Road Great Dunmow
Proposal Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

SUPERSEDES PREVIOUS RECOMMENDATION DATED 17TH AUGUST 2022

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

1. Prior to occupation of the development, the provision of an access formed at right angles to B1256 Stortford Road, as shown in principle on DWG no. 181820-002 Rev C (dated 03/07/2018), with 2 two metre wide footways, a ghost island to current design standards and clear to ground visibility splays with dimensions of 2.4 metres by 177 metres to the east and 2.4 metres by 158 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway, in the interests of highway safety.
2. Prior to occupation of the development, improvements to the passenger transport infrastructure at the bus stops located adjacent the proposal site on both sides of B1256 Stortford Road shall be provided, to include raised kerbs, hardstanding, flags, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interest of accessibility.

3. Prior to occupation of the development, 2 metre wide footways shall be provided from the site access to the proposed bus stops to the east and west of the site with a suitable pedestrian crossing facility of B1256 Stortford Road. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interests of pedestrian safety and accessibility.
4. The land to the north east of the site, fronting B1256, as shown in pink on DWG no. 181820-002 Rev C, shall be dedicated to the Highway Authority, to allow the Highway Authority to provide a 2 metre footway if / when required. The developer to undertake no work on the land that will inhibit the provision of a future footway. Land to be provided at no cost to the highway authority. **Reason:** To provide connectivity for all in the interests of highway safety.
5. Prior to occupation of the proposed development, the Developer shall provide for written approval a Travel Plan including payment of a £6,383 Travel Plan Monitoring fee to ECC. The approved Travel Plan to be implemented on first occupation of the development. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. **Reason:** To ensure that on appropriate parking is provided.
7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity
8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. loading and unloading of plant and materials,
 - iv. storage of plant and materials used in constructing the development,
 - v. wheel and underbody washing facilities.**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Details of a suitable construction access and all traffic management shall be submitted to and approved in writing by the Highway Authority prior to commencement of the development.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vi. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- viii. The developer to meet the full cost of compensation claims associated with any new or altered highway as part of the proposed development, including provision of a Bond.
- ix. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 41 (Little Canfield) shall be maintained free and

unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

Note:

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



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

Appendix 2 (Initial Highway Comments)

Your Ref: UTT/22/1752/FUL
Our Ref: 32984
Date: 17th August 2022



Essex County Council

Paul Crick
Director for Highways
and Transportation

CC: (by email) *DM, SMO2, Chelmsford
Cllr Susan Barker*

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1752/FUL
Applicant Mr Peter Curran
Site Location Bluegates Farm Stortford Road Great Dunmow
Proposal Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

This application concerns the area of subject to planning permission UTT/18/2478/FUL, for which a series of highway improvements were required to provide safe and suitable access to the development. No information is provided within the submission regarding these aspects and associated access arrangements, and therefore it is unclear if these works will be carried out, and/or if these are appropriate for the proposal;

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety;

Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided;

- a. A plan demonstrating the full extent of the required visibility splays from the proposed site access onto B1256 can be achieved in either direction, with the highway boundary and red line overlaid.
- b. Swept path analysis demonstrating the largest vehicle to enter and exit the site, to demonstrate that the access arrangement is sufficient.
- c. Requirement for a ghost right turn lane.
- d. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.
- e. Appropriate provision for pedestrians from development site to connect to existing footway network along B1256, and connection to bus stops.

2. Insufficient information is provided within the application to determine if adequate parking and turning area for all vehicles associated with the development is to be provided. Lack of adequate parking and turning could lead to parking and vehicles adversely manoeuvring on the B1256 (secondary distributor).

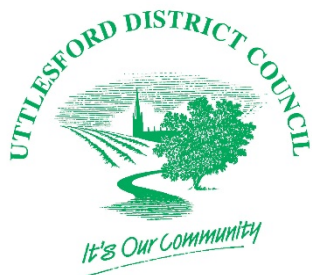
Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Informative:

- i. To obtain a copy of the highway boundary, please email – Highway.Status@essexhighways.org
- ii. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. It is advised that further clarification in this regard is sought where the boundary could be affected by the presence of an historic ditch as this may be crucial when determining available land for highway works, visibility, and the placement of boundary features such as fences, walls, or hedges.
- iii. Essex Highways have the capacity to carry out an independent stage one road safety audit on any proposed scheme. For further information, contact - roadsafety.audit@essexhighways.org



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



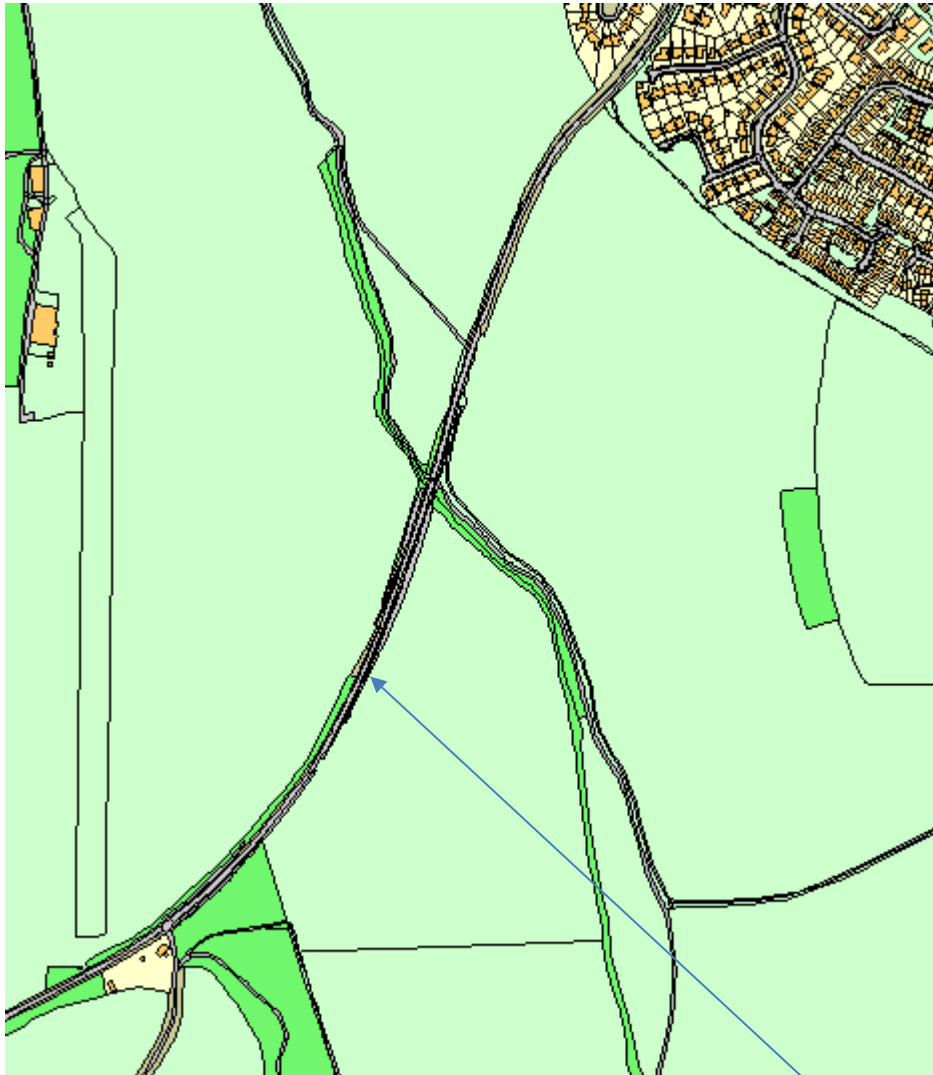
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 19 April 2023

REFERENCE NUMBER: UTT/22/3020/FUL

LOCATION: Newport Road
Saffron Walden

SITE LOCATION PLAN:



Proposed New Access

© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 17/03/23

PROPOSAL: Proposed agricultural access

APPLICANT: Mr Tilman Behrens

AGENT: Mrs Emma Thompson

EXPIRY DATE: 26.01.2023

EOT Expiry Date: 02.02.2023

CASE OFFICER: Jonathan Pavey-Smith

NOTATION: Outside Development Limits, Classified (B Road).

REASON THIS APPLICATION IS ON THE AGENDA: Cllr Light Call-In

1. EXECUTIVE SUMMARY

- 1.1** This application seeks full planning permission for the creation of a new agricultural access to enable the applicant to have an independent access onto their land. The proposed access is taken from Newport Road (B1052).
- 1.2** The proposed access can achieve the required visibility and forward visibility splays and would not result in any detrimental impact on the highways safety. The proposals will not have any undue adverse effects on ecology or landscape.
- 1.3** The proposal will not detract from or harm the significance of the Grade II Registered Park and Garden.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 16 of this report -

A) Conditions



3. SITE LOCATION AND HISTORY:

- 3.1 The application site comprises land to the north-east of the historic Shortgrove Park which is a Grade II registered Park and Garden.
- 3.2 The land is part of the agricultural holding owned by Longrove Farms Limited and comprises 650 acres of arable farmland. At present, the only way to gain access into the estate, is through a right of way which is owned by the residents of Shortgrove Park and within the limits of the registered historic park.
- 3.3 A previous planning application was granted (application UTT/20/2278/FUL) to widen the existing access to enable both cars and agricultural machinery to use the access without conflict and improving highway safety. It was established that the permission could not be implemented due to the applicant, whilst having a right of access, does not own the area of land where the widening was to take place.
- 3.4 As a result of this, the applicant has sought to find an alternative access so that they have their own independent access onto their land. Without an appropriate means of access, the applicant is land locked. A previous application for a new access was submitted (application reference: UTT/21/2893/FUL) but was subsequently refused due to it not being able to demonstrate the required visibility splays.

4. PROPOSAL

- 4.1 This application seeks full planning permission for the creation of a new agricultural access to enable the applicant to have an independent access onto their land. The proposed access is taken from Newport Road (B1052)
- 4.2 The proposed access has been designed to accommodate agricultural vehicles. The access is a width of 6m with 10m length.
- 4.3 The access would be gated, and this would be located at a minimum setback of 15m from the edge of the adopted highway to ensure that any agricultural vehicle with trailer can be accommodated off the public highway for highway safety reasons.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/21/2893/FUL	Proposed agricultural access	Refused (22/11/2021)
UTT/20/2278/FUL	Proposed widening of private way	Approved with conditions (27.08.2021)

7.

PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1

No Pre-App advice given

8.

SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1

Highway Authority

8.1.1

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

1. Prior to the first beneficial use, the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, to the highway boundary and to the existing carriageway, and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

2. Prior to the first beneficial use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 160 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety

3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety

4. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

iii. There shall be no discharge of surface water onto the Highway.

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

8.2 Gardens Trust

8.2.1 Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Shortgrove Hall, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

9. TOWN COUNCIL COMMENTS

9.1 No Objections

10. REPRESENTATIONS

10.1 Site notice/s were displayed on site and 4 notifications letters were sent to nearby properties.

10.2 Support

10.2.1 N/A

10.3 Object

10.3.1 Comments raised include:

- Loss of biodiversity
- Considerable amount of earth moving and a much larger area than described in the application
- Shortgrove farm already has two existing points of access.
- These should be sufficient for occasional access without creating an additional unsuitable and unsafe access on a busy road.
- These should be sufficient for occasional access without creating an additional unsuitable and unsafe access on a busy road.
- The access could be used for larger residential development in the future.
- The landscape impact will be large with the earth works needed.
- The application does not explain that there is a significant drop between the highway and the field at the proposed point of access.

10.4 Comment

10.4.1 N/A

11. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

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

11.4 The Development Plan

- 11.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

12. POLICY

12.1 National Policies

- 12.1.1** National Planning Policy Framework (2021)

12.2 Uttlesford District Plan 2005

S7 – The Countryside Policy

GEN1- Access Policy

GEN2 – Design Policy

GEN4 - Good Neighbourliness Policy

GEN7 - Nature Conservation Policy

GEN8 – Vehicle Parking Standards

ENV8 – Other landscape elements of importance for nature

ENV9 - Historic Landscape

12.3 State name of relevant Neighbourhood Plan in this title

Saffron Walden Neighbourhood Plan

12.4 Supplementary Planning Document or Guidance

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

13. CONSIDERATIONS AND ASSESSMENT

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

13.2 A) Principle of the development and impact upon the character of the area

B) Highways and Access

C) Neighbouring Amenity

D) Ecology and Landscape

13.3 A) Principle of development and impact upon the character of the area

13.3.1 The application site is located outside of the development framework and therefore designated as countryside. Policy S/7 states that “the countryside will be protected and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. There will be strict control on new buildings and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”

13.3.2 Policy GEN2 states that development will not be permitted unless its design meets all the listed criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents. The proposed development is linked with farming at the applicant’s holding at Shortgrove Estate, without this new access the applicant is land locked as the current access into Shortgrove Park is unsuitable and unsafe for farm machinery to use. The applicant also only

has a right of way to this access. Uses relating to agriculture and farming, by their very nature are appropriate within the countryside. It is considered that the proposal is entirely appropriate to the rural area.

13.3.3 Shortgrove Park is a Grade II Registered Park and Garden. Whilst registered parks and gardens are not subject to any additional statutory controls, they are designated heritage assets for the purposes of local and national heritage planning policy, and any impact on their significance is a material consideration.

13.3.4 The proposed access is located outside of but within the setting of the Grade II Registered Park and Garden of Shortgrove Hall. In terms of heritage impacts, it is considered that the proposal will not detract from or harm the significance of the heritage asset. In addition, there are no listed buildings in the immediate vicinity.

13.3.5 Under the previous refused application (UTT/21/2893/FUL) (which was refused on highway grounds) the advice received from Historic Buildings and Conservation raised no objection to the proposal of a new access. This proposal is similar in nature to the previously refused application, albeit the proposed access has moved further east to achieve the required visibility splays. The Gardens Trust have been contacted and wish to make no comment regarding the proposed access.

13.3.6 It is therefore considered that the design of the access is acceptable and accords with Policies S7, GEN2, ENV9 of the Uttlesford Local Plan (2005), the Essex Design Guide and the NPPF (2021).

13.4 B) Highways and Access

13.4.1 Policy GEN 1 states that states that “development will only be permitted if it meets all of the following criteria:

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

13.4.2 The proposed access is taken from Newport Road (B1052). The road is a typical semi-rural road passing the site without footways or street lighting. The Highway Transport Note, prepared by Andrew Moseley Associates demonstrates that the required visibility splays are acceptable and achievable and would not result in any detrimental impact on highways safety or the operation of the proposed access.

All vegetation within the proposed splay would be either cleared or set back behind the splays to remove any potential obstructions with vegetation maintained to ensure there is no encroachment across the splays.

13.4.3 The proposed access arrangement of a width of 6m with a 10m radii is a suitable design standard to accommodate all agricultural vehicle movements with an appropriate 15m setback to the gate to ensure that vehicles are off the public highway.

13.4.4 The Highway authority have stated no objections to the proposed access subject to the inclusion of conditions.

13.4.5 The proposal is therefore in accordance with Policy GEN1 of the Uttlesford Local Plan (2005), Essex County Council Highways Development Management Policies (adopted February 2011) and paragraph 105 of the NPPF (2021).

13.5 C) Neighbouring Amenity

13.5.1 As this application is for the creation of an access, by its very nature, there will be no impact on the residential amenity of occupants in terms of private amenity space. With regard to noise, odours and dust, there will be no material increase on the site that would give rise to significant detrimental harm to the amenity of neighbouring occupiers.

13.5.2 The proposal is therefore in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (2005) and the NPPF (2021).

13.6 D) Ecology and Landscape

13.6.1 ULP Policy GEN 7 (Nature Conservation) states that “where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligations or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.

13.6.2 Preliminary Ecological Appraisal carried out and prepared by Samsara Ecology is submitted in support of this planning application.

13.6.3 The site is a vegetated linear boundary comprised of hawthorn, blackthorn, field maple, ash, hazel, dog rose and bramble. It is categorised as a species-poor hedge with trees. (less than five species recorded in 30 m lengths) approximately 5 m high. The area in which the new access will be created is a sloped embankment, and there is little to no vegetation under the trees and scrub.

- 13.6.4** The ecology survey identified that the trees and scrub will be suitable for nesting birds and is considered to be important to a site level for nesting birds.
- 13.6.5** The survey also identified that the vegetation acts as a linear corridor for foraging and commuting bats and is therefore considered to have the potential to be important to a site level.
- 13.6.6** The site's habitats are also considered to provide opportunities for foraging, breeding and sheltering hedgehogs. It is therefore considered to have the potential to be important to a site level.
- 13.6.7** There was an unused single burrow which was the shape and size typically associated with a badger. There was no evidence of current use, and it could be a former outlier sett. Mammal paths were seen going through the vegetation, but no setts or latrines were found in the area of the proposed access or up to 30 m on either side. The site is also considered to be important to a site level for badgers.
- 13.6.8** In terms of mitigation measures the following are proposed:
It is recommended that any works to remove or cut back the hedge is only undertaken outside of the main bird breeding season between October and March.
- The new access will create a gap in the linear vegetated boundary; however, this will not be large enough to prevent bats from using it for commuting and foraging. Re-vegetate the existing access. This will create a linear feature similar to its current state.
 - It is recommended that the Site is checked up to 3 months before the beginning of construction to check for any new activity within the Site and/or evidence of sett creation. During construction, a fence should be erected around the boundary to prevent badgers from entering the works area.
 - All excavations should be covered at night or when not in use to prevent hedgehogs from being trapped during construction. Any arisings from the vegetation clearance should be removed carefully by hand to check for sheltering hedgehogs. The animals should be left to move away on their own accord if found.
 - The clearance of any arising from vegetation should be undertaken before the hibernation period for hedgehogs (which is typically between October and March). All construction materials should be kept off the ground on pallets or stored away to prevent them from becoming suitable for use by sheltering or hibernating hedgehogs.

- 13.6.9** In terms of biodiversity enhancement measures the following are proposed:
- It is proposed to provide two insect boxes, bird boxes and bat boxes which will be attached to mature trees along the linear boundary,
 - The existing gap in the hedge (the previous location of the proposed access refused under UTT/21/2893/FUL) will be infilled with similar vegetation to offset the loss of vegetation with the new access. This will create a negligible impact.
- 13.6.10** With regards to the landscape, the ecology report identified that the hedge is species poor and of limited value. It is proposed to infill the existing gap with native hedge planting to mitigate and offset the loss of vegetation created by the new access, which the applicant is more than willing to do. A condition that secures this mitigation has been added to the decision.
- 13.6.11** In summary, development of the site will impose minimal levels of harm on the ecological integrity of the site and provide opportunities to enhance the area's biodiversity and increasing the site's biodiversity net gain. Therefore, the proposed development complies with the environmental requirements of the NPPF (2021) and Policy GEN 7 of the Uttlesford Local Plan (2005).

14. ADDITIONAL DUTIES

14.1 Public Sector Equalities Duties

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

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

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

14.2 Human Rights

14.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol

regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

15. CONCLUSION

15.1 The proposed access can achieve the required visibility and forward visibility splays and would not result in any detrimental impact on the highways safety or the operation of the proposed access.

15.2 Highways have stated no objections to the proposal subject to conditions being imposed.

15.3 In terms of heritage impacts, it is considered that the proposal will not detract from or harm the significance of the Grade II Registered Park and Garden.

16. CONDITIONS

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

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

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

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

16.3 Prior to the first beneficial use, the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, to the highway boundary and to the existing carriageway, and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 16.4** Prior to the first beneficial use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 160 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety

- 16.5** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety

- 16.6** No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety. The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 16.7** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Samsara Ecology, September 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

- 16.8** Prior to the access being in use a detailed landscaping scheme for the replacement hedgerow shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

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

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Late List –Planning Committee 19/04/2023

Officers please note: Only Late items from **STATUTORY CONSULTEES** are reproduced in full.
Others are summarised.

Statutory consultees are listed below:

Highway Authority
The Health & Safety Exec
Highways Agency
Local Flood Authority
Railway
Environment Agency
Historic England
Garden History Society
Natural England
Sport England

Manchester Airport Group (*MAG is the highway authority for the airport road network + the also section of Bury Lodge Lane running south from the northside entrance to the airport. On these roads, it therefore has the same status as Essex CC and National Highways do for the roads that they administer.*)

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
3	UTT/22/1014/OP Land North Of Hammond Road Hatfield Broad Oak	<p>The Heads of Terms for the s106 agreement in paragraph 17.1 of the committee report should be amended as follows:</p> <ul style="list-style-type: none"> • The phrase “a minimum of” should be amended from the provision of 40% of affordable housing. Policy H9 requires 40% affordable housing on developments, not a minimum of 40%. This change was requested by the applicant. • The Employment and Skills Plans should be omitted from the s106 agreement. Notwithstanding its recommendation by the Essex County Council (ECC) Infrastructure (Education), Table 2 in page 24 of ECC’s Developers’ Guide to Infrastructure Contributions (Rev 2020) sets a trigger of 50 no. units for such a contribution.
		<p>Condition 17 in section 17 of the committee report shall be amended to include the phrase “shall be implemented” as follows:</p> <p>Prior to occupation of the development hereby approved, a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green shall be implemented as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant, and shall include:</p> <ul style="list-style-type: none"> • Footway widening/siding out/resurfacing. • Pedestrian warning signs. • Improvements to/provision of dropped kerb crossings. • Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green. <p>REASON: In the interests of highway safety and accessibility, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).</p>
		The above follows a clarification from Essex County Council Highways:

		<div style="border: 1px solid #ccc; padding: 5px;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="display: flex; align-items: center;"> <div style="margin-left: 5px;"> <p>Matthew Bradley - Strategic Development Manager (North) <[redacted]></p> <p>To: Avgerinos Vlachos</p> </div> </div> <div style="text-align: right;"> ☺ ↩ Reply ↩ Reply All ➡ Forward 📧 ⋮ </div> </div> <div style="text-align: right; margin-top: 5px;"> <small>Fri 24/03/2023 16:1</small> </div> <p style="margin-top: 5px;">📌 You replied to this message on 24/03/2023 17:43.</p> <p>[redacted]</p> <p>[redacted]</p> <p>On another note I have realised that my recommended condition 3 does not actually indicated that the works should be implemented, you may have picked up on that, if not are we able to make that clear on the update sheet issued before Committee?</p> <p>3. <i>Prior to first occupation of the development a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant to include:</i></p> <ul style="list-style-type: none"> • <i>Footway widening/siding out/resurfacing.</i> • <i>Pedestrian warning signs.</i> • <i>Improvements to/provision of dropped kerb crossings.</i> • <i>Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.</i> <p>Have a good weekend.</p> <p>Matthew Bradley Strategic Development Manager (North)</p> <p>Strategic Development</p> </div>
		<p>The phrase “in situ” is omitted from the reasons for conditions 4 and 5 in section 17 of the committee report, as per the applicant’s request. The same phrase shall be omitted from condition 12 in the same section. As currently worded, the reasons are not clear as they seemingly require the preservation of any potential archaeological remains in situ regardless of their significance, which would be unreasonable. These changes do not affect the purpose of the conditions and make them compliant with paragraph 56 of the NPPF.</p>
		<p>The Parish Council provided further comments on 31 March 2023; a summary of the key points that have not been covered in paragraph 9.1 of the committee report is presented below:</p> <ul style="list-style-type: none"> • Visibility splays should comply with the Design Manual for Roads and Bridges. • Deliverability issue of proposed footway due to ownership. • Highway issues should be addressed prior to the grant of planning permission.
		<p>A summary of the additional representations received for the application that have not been covered in paragraph 11.3.1 of the committee report is presented below:</p>

		<ul style="list-style-type: none"> • Visibility splays not as shown by the developer. • Flood risk concerns. • Cumulative impacts to already compromised drainage systems. • Visual harm to the entrance of the village. • Overbearing impacts. • Devaluation of the road.
4	UTT/22/3321/OP Land Rear of Woodene High Street Little Chesterford	Paragraph 14.3.16 of the committee report is a comparison between a previous appeal scheme on the same site and the current application. The images shown at the end of this paragraph are screenshots of the (dismissed) appeal drawings. Members can compare those refused drawings with the ones included in the file of the current application. It is standard practice not to reproduce the drawings of an application within the officer's report to avoid lengthy reports.
		The second from last phrase in paragraph 14.4.4 of the committee report should not be interpreted as if the Conservation Officer assessed the principle of the development as acceptable because of the revised indicative elevations or any other drawings. The response from Conservation dated 20 February 2023 contains a preliminary assessment of the revised indicative details submitted that should be considered by the applicant at the next stage. These indicative details shall be scrutinised again and finalised at the reserved matters application (if outline permission is granted). The indicative drawings were not the reasons why Conservation raised no objections to the principle of the development. The principle of the erection of a detached dwelling on this location was the sole consideration in Conservation's position.
		<p>The Parish Council provided further comments on 10 March 2023; a summary of the key points that have not been covered in paragraph 9.1 of the committee report is presented below:</p> <ul style="list-style-type: none"> • Previous objection still stands. • Any scheme on the plot unacceptable. • Site too small for a single storey dwelling. • Countryside location / confirmed by the Examiner of the Neighbourhood Plan. • Responses from Conservation and Landscape support the objections. • Construction Management Plan not enough for extended periods of excavations. • Awkward parking layout. • Revised drawings – more traditional appearance. • Conditions in case of approval: <ul style="list-style-type: none"> ○ Limited height to one storey.

		<ul style="list-style-type: none"> ○ Limited loss of the historic bank. ○ Minimisation of overlooking. ○ Replacement hedgerow. ○ Biodiversity enhancement measures. ○ Construction Management Plan.
		<p>A summary of the additional representations received for the application that have not been covered in paragraph 11.3.1 of the committee report is presented below:</p> <ul style="list-style-type: none"> ● Previous comments are still relevant. ● Pre-app expressed concern. ● Previous decisions are material considerations. ● Consistency in decision-making necessary. ● Harm to the effectiveness of the Neighbourhood Plan. ● Ecological and biodiversity concerns. ● 1 no. dwelling is a minimal benefit. ● Tandem garage under the house / on-street parking concerns. ● Heritage Statement not balanced. ● Land ownership issues. ● Construction Management Plan not enough. ● Visibility from streetscene and footpath. ● Responses from Conservation and Landscape support the objections. ● Unacceptable living conditions for the occupants of the proposed dwelling.

5

UTT/22/1752/FUL
 Bluegates Farm
 LITTLE CANFIELD



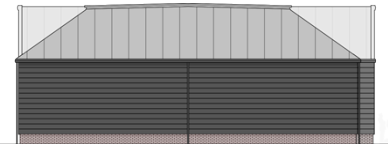
1 Proposed North Elevation
 Scale: 1:100



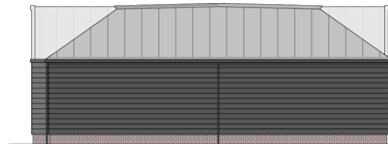
2 Proposed North Elevation with security shutters down
 Scale: 1:100



3 Proposed South Elevation
 Scale: 1:100



4 Proposed East Elevation
 Scale: 1:100



5 Proposed West Elevation
 Scale: 1:100



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APPROVED

Rev No	Date	Revision	Drawn By
F	10/03/22	Revisions further updated for NMA application	DM
E	11/03/22	Revisions updated for NMA application	DM

id
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 Tel: 01206 577244 • Fax: 01206 563377
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Drawing Status
NMA Application
 Project
 New Industrial Unit Building at
 Bluegates Farm, Dunmow, CM6 1SN
 Client
 Corringales Ltd

CD File	Scale	Drawn By/Date	Checked By/Date
MAC 3	1:100@A1	MM/Mar/2021	DM/Mar/2021

Title
Proposed Elevations
 Drawing No. Rev No.
 A-2035-BR-09 F

Comments from Little Canfield Parish Council received Friday 14th April 2023

The parish council is of the opinion this should be an entirely new application and not a mere change of use.

		<p><i>It is reported that 79 letters were sent to residents but which residents, as those living within one mile of the development have not received a letter? So the council questions the validity of the community consultation.</i></p> <p><i>The comment has been made that there has been no external change from the original application and yet it has significantly changed; if you look at the proposed pictures / artists impressions showing windows, glazing, sympathetic landscaping / hedging around car parking and compare that with what can only be described as a completely different, ugly, distribution centre.</i></p> <p><i>A range of HGVs visiting and leaving the site is completely different to the type of vehicles that would be visiting a discrete office complex, as would be the operating hours of either business type. It begs the question what is proposed to be stored at the site requiring distribution, has the planning authority been informed?</i></p> <p><i>Planning consent UTT/18/2478/FUL has been implemented. This proposal seeks merely to change the use from its previous B1 (now Class E) use to a mixed Class E and B8 (Storage and Distribution - MERELY - it's been built to the specifications of the distribution centre all along. Seemingly no intentions of it ever being offices as per the original application.</i></p> <p><i>The parish council affirms there has been a total disregard for the planning officers and the planning process, indeed contempt, witness that which has been built compared to the approval.</i></p>
6	UTT/22/3020/FUL Newport Road SAFFRON WALDEN	

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.