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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 25th October, 2023

Time: 10.00 am

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

Chair: Councillor R Freeman

Members: Councillors G Bagnall, N Church, J Emanuel (Vice-Chair), R Haynes,
M Lemon, J Loughlin, R Pavitt and M Sutton

Substitutes: Councillors M Ahmed, A Coote, R Gooding, N Gregory, G Sell and
R Silcock

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.

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

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

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

**AGENDA
PART 1**

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 6 - 14
To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 15
To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 16 - 19
To note the Quality of Major Applications Report.
- 5 S62A Applications** 20 - 21
To note the S62A Applications Report.
- 6 UTT/22/1261/FUL - Land to the West of Mill Lane, HATFIELD HEATH** 22 - 84
To consider application UTT/22/1261/FUL.
- 7 UTT/22/3513/FUL - Land East of Chelmsford Road, FELSTED** 85 - 112
To consider application UTT/22/3513/FUL.
- 8 UTT/23/0976/FUL - King Edward VI Almshouses, Abbey Lane, SAFFRON WALDEN (ITEM WITHDRAWN)** 113 - 156
This item has been withdrawn.
- 9 UTT/23/1731/OP - Land North of Stickling Green, CLAVERING** 157 - 194
To consider application UTT/23/1731/OP.

PLEASE NOTE THAT ITEM 10 WILL START NO EARLIER THAN 2PM.

- 10 UTT/23/1412/FUL - Land at Sunnybrook Farm, Braintree Road, FELSTED** 195 - 219

To consider application UTT/23/1412/FUL.

- 11 UTT/23/1734/FUL - Land at Pound Hill, LITTLE DUNMOW** 220 - 245

To consider application UTT/23/1734/FUL.

- 12 UTT/23/0068/FUL - Grove Court, Nursery Rise, GREAT DUNMOW** 246 - 260

To consider application UTT/23/0068/FUL.

- 13 UTT/23/0515/FUL - Glan Howy, Bannister Green, FELSTED** 261 - 274

To consider application UTT/23/0515/FUL.

- 14 Late List** 275 - 280

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.

Agenda and Minutes are available in alternative formats and/or languages. For more information, please call 01799 510510.

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Agenda Item 2

PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 27 SEPTEMBER 2023 at 10.00 am

Present: Councillor R Freeman (Chair)
Councillors N Church, J Emanuel (Vice-Chair), R Gooding, R Haynes, J Loughlin, R Pavitt and M Sutton

Officers in attendance: R Beale (Senior Planning Officer), N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), D Hermitage (Strategic Director of Planning), J Lyall (Planning Lawyer), F Nwanze (Interim Planning Team Leader), J Pavey-Smith (Senior Planning Officer) and L Trevillian (Principal Planning Officer)

Public Speakers: W Bargeman, P Beszant, M Brewer, J Dixon, A Edwards, G Gardner, K Lilley, C Williams & Councillor S Withington.

PC66 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were received from Councillors Bagnall and Lemon. Councillor Gooding substituted for Councillor Lemon.

Councillor Emanuel declared that she would be recusing herself from Agenda item 7, as she had attended the Judicial Review.

The following declarations were made only for transparency purposes:
Councillor Haynes declared that Agenda item 11 was within his ward.
Councillor Sutton declared that she lived in Lindsell (Agenda item 11) but had had no contact with any party.
Councillor Gooding declared that as an Essex CC Councillor, Widdington was within his division, but he had no contact with any party (Agenda item 7).

PC67 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 13 September 2023 were approved as an accurate record.

PC68 **SPEED AND QUALITY REPORT**

The Strategic Director of Planning presented the standing Speed and Quality Report. He highlighted that the Quality of major development threshold from April 2021 to March 2023 had increased to 9.46% since the previous meeting but that it was still below the 10% threshold.

The report was noted.

PC69 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Strategic Director of Planning presented the standing Quality of Major Applications report. He highlighted the information given in paragraph 8 in respect of pending appeals.

The report was noted.

PC70 **S62A APPLICATIONS**

The Strategic Director of Planning presented the S62A Applications report. He said that the four most recent decisions made by PINS had been refusals, in accordance with the consultee views expressed by the Planning Committee.

The report was noted.

PC71 **UTT/22/2278/FUL - LAND TO THE NORTH OF CORNELLS LANE, WIDDINGTON ITEM WITHDRAWN**

This item was withdrawn prior to the meeting.

PC72 **UTT/22/3191/FUL - LAND TO THE NORTH OF CORNELLS LANE, WIDDINGTON**

The Chair stated that this case had been appealed to the Secretary of State but that it would still be considered in order to establish the position that the Council would have taken.

Councillor Emanuel recused herself at 10.12am and left the meeting.

The Interim Planning Team Leader outlined her report on a full planning application that proposed the development of the southern part of the paddock in Cornells Lane for the erection of four detached dwellings and associated works.

The report had originally recommended that the Strategic Director of Planning be authorised to refuse permission for the development for the reasons set out in section 17 of the report, which the Interim Planning Team Leader summarised.

In response to various questions from Members, officers:

- Clarified vehicular access to the site.
- Explained the position in respect of Certificate of Lawfulness and Article 4 direction and how the fallback position had been rebalanced to pay greater attention to heritage harms as previously determined as a priority at Judicial Review.

Members discussed:

- The special rural nature of Cornells Lane.
- The fact that Members had been given little option but to approve an application previously.
- Access concerns.
- The justification for building four properties.
- Concerns about surface drainage, the impacts on a Protected Lane, harms to a conservation area and the church.
- A general conclusion amongst most Members that harms far outweighed benefits in any balancing exercise and with greater weight put towards harm to the setting of the nearby listed buildings and other heritage assets, contrary to the adopted Local Plan Policies ENV1, ENV2 and paragraph 199 of the NPPF. One alternative view was put supporting the development but not the access arrangements.

Councillor Pavitt proposed that the application be refused in line with the officer's report, and this was seconded by Councillor Sutton.

RESOLVED that the Strategic Director of Planning would have been authorised to refuse permission for the development for the reasons set out in section 17 of the report.

A Edwards and G Gardner (on behalf of Widdington PC) spoke against the application and a statement was read out from Councillor N Hargreaves, also against the application.

The meeting adjourned from 10.55am to 11.05am, during which time Councillor Emanuel returned to the room.

When the meeting reconvened, the Chair confirmed that in respect of the previous Agenda item the Committee did not have the jurisdiction to make a formal decision but that the recommendation that the application would have been refused would be reported to PINS in the Council's role of consultee.

PC73

UTT/23/0456/OP - CHESTERFORD RESEARCH PARK, LITTLE CHESTERFORD

The Head of Development Management and Enforcement presented a hybrid planning application for outline planning permission with all matters reserved except access for construction of a research and development building (ClassE(g)), works to improve estate road, car parking, landscaping and associated works on Plots 1400, 1500 and 1600, Plots 1700 and 1800, Plot 500 and Plot 1. Full planning application for construction of a research and development building (Class E(g), works to improve estate road car parking, landscaping and associated works on Plot 1100/1200.

He said that the application had been deferred by the Planning Committee on 2 August 2023 with a view to finding a satisfactory scheme for funding a cycle/footpath between the Research Park and Saffron Walden as well as Great Chesterford but that no justification had been provided for a need for further

cycle way infrastructure to make the development acceptable in planning terms and that any contributions had to be commensurate and CIL compliant which it was as a 300 metre cycle way had been proposed. He said that the Highways Authority had indicated that further design works were necessary in respect of any cycle/footpath between the Research Park and Saffron Walden.

He recommended that the Strategic 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 about whether a bats survey had been undertaken, the agent was invited to respond and confirmed that there was now no need for such a survey as that building was no longer proposed for demolition.

In response to questions from Members, officers:

- Said that any contribution to cycleways/ footpaths had to be proportionate; it would not be proportionate to fund an entire path to Saffron Walden, particularly when there was currently no set scheme in place.
- Suggested that in order to ensure that the possible future funding of a pathway to Saffron Walden was not lost, there were mechanisms within S106's that could be put in place. The application could be approved and that prior to the agreement of other reserved matters, the County Council, District Council and the Developer would consider the feasibility of a sustainability link to Saffron Walden and a contribution framework. The Planning Lawyer said that he would need time to frame the exact wording.

Members discussed:

- The idea of keeping the sustainable link to Saffron Walden at the forefront of future applications. The suggested above was welcomed.
- The possibility of a future visit to the Research Park in order to better understand the Masterplan; this would be taken away by officers.

Councillor Pavitt said that it appeared that there was currently not much that could be changed on this application. He proposed approval of the application subject to S106 clauses being prepared and agreed with the Chair and Vice-Chair in respect of future sustainability links with Saffron Walden. Councillor Loughlin seconded the proposal.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report and the issues to be addressed in line with the motion above.

PC74 **UTT/23/0119/DFO - LAND WEST OF WOODSIDE WAY, WOODSIDE WAY, GREAT DUNMOW**

The Senior Planning Officer presented an application seeking approval of details regarding the provision of sports facilities land following the granting of outline planning under reference UTT/13/2107/OP whereby outline permission was approved for all matters reserved for up to 790 homes, including primary school,

community buildings, open space including playing fields and allotments and associated infrastructure. This related to the provision of sports facilities land and associated landscaping and infrastructure works.

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

In response to questions from Members, officers:

- Clarified the position relating to the LEAP falling outside the red line.
- Said that the intention was for the Town Council to take on future responsibility through the S106 Agreement.
- Confirmed that the outstanding approval only related to the location of the sports pitches and the landscaping.

Members discussed:

- Concerns that young children could be too close to action play and the possibility of providing fencing to secure an area and ensuring safety from ball strikes. This could be ensured by boosting Condition 4 to include boundary treatments to the LEAP to avoid ball strikes within the LEAP.
- Concerns about the LEAP and LAP, particularly with the Town Council not being happy with the LEAP. Sport England had expressed no concerns about the LEAP.
- That the sports pitches and landscaping appeared to be good.

Councillor Loughlin proposed approval of the application, as recommended, with additional boosting of Condition 4 to avoid ball strikes and to ensure protected boundary treatment including with the adjacent LEAP.

This proposal was seconded by Councillor Emanuel.

RESOLVED that the Strategic 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 Condition 4 being boosted.

Councillor S Withington (Great Dunmow TC) spoke against the application and C Williams (Agent) spoke in support.

PC75 **UTT/23/0243/DFO - LAND WEST OF WOODSIDE WAY, WOODSIDE WAY, GREAT DUNMOW**

The Senior Planning Officer presented an application seeking approval of details following the granting of outline planning under reference UTT/13/2107/OP whereby outline permission was approved for all matters reserved for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure. This related to the provision of a combined community building and sports pavilion and associated landscaping and infrastructure.

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

There were no questions from Members.

Members discussed:

- Concerns that there were no changing facilities. This was in line with the Town Council's requests.
- Whether 50 car parking spaces were adequate if six sports pitches were in use.
- The general lack of space in the development.
- The fact that the outline application went back to 2013 and that the amount of money allocated was considered now to be inadequate.

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

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

The meeting adjourned for lunch from 12.25 pm to 1.20 pm.

PC76 **UTT/23/0306/OP - HOMEFIELD, HOLDERS GREEN ROAD, LINDSELL**

The Principal Planning Officer presented an outline planning application with all matters reserved except access for residential development comprising 5 units with associated amenity space and parking. He said that this was a revised application to one that had previously been refused by officers.

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

In response to questions from Members, officers:

- Clarified information contained in paragraph 14.7.7 in that an off-site contribution to affordable housing could be sought.
- Addressed sustainability issues.
- Addressed concerns raised about precedence being set, given what had been built opposite.

Members discussed:

- The possible concerns that precedence might be set by approving the application in that further proposals to develop further in Holders Green Road might follow and that this could then be clustered development.
- That as the landholding was significant, there was a need to ensure that if any further development applications came forward, they would be seen as contiguous. Officers confirmed that this would be the case.
- Sustainability concerns alongside Policy S7 of the Local Plan 2005.

- Loss of habitat and access concerns on a narrow lane.
- Possible reliance on cars, lack of footways, amenities and poor links.
- The need for an off-site contribution to be conditioned in the event of approval. This could be included as part of the S106 Agreement.

Councillor Church proposed that the application be approved, subject to an affordable housing contribution being sought. This was seconded by Councillor Loughlin.

The motion was lost.

Councillor Haynes proposed refusal on the grounds of Policy S7 (Sustainability and unsuitable location), H9 (Lack of affordable housing contribution) and GEN1e (car dependant scheme). This was seconded by Councillor Emanuel.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of Policy S7, H9 and GEN1e.

W Bargeman and P Beszant spoke against the application and K Lilley (Agent) spoke in support.

PC77

UTT/23/1362/DFO - BARNSTON WAREHOUSING, CHELMSFORD ROAD, GREAT DUNMOW

The Principal Planning Officer presented details following outline application UTT/20/2417/OP (partial site redevelopment comprising erection of two industrial buildings together with associated engineering works access and landscaping), details of appearance, landscaping, layout and scale. He said that there had been no public objections to the development.

He recommended that the Strategic 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 proposal was for light industrial units.
- In response to concerns about possible disposal of diesel oil, established that there was a nearby brook that flowed into the River Chelmer; responsibility for the brook rested with Essex County Council.

There was an adjournment from 2.14pm to 2.19pm for the Principal Planning Officer to examine the Outline Application made in 2021.

Following the adjournment, the Principal Planning Officer reported that the Outline application approval had contained various drainage management conditions but no conditions re management of contamination. He said that this could be picked up as part of the reserved matters.

Members supported this way forward.

Councillor Emanuel said that she considered the development was an efficient use of space and proposed approval and to ensure that possible management of contamination issues was also covered.

This was seconded by Councillor Church.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report and to ensure that contamination management issues were covered as part of reserved matters.

PC78 **UTT/23/0739/FUL - REAR OF BROMLEY COTTAGES, ROYSTON ROAD, WENDENS AMBO**

The Senior Planning Officer presented an application for the erection of an agricultural grain store with associated machinery and a reception area.

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

In response to questions from Members, officers:

- Confirmed that there had been no objections re possible noise levels from the grain dryer and that there were already grain dryers on site.
- Provided figures in respect of vehicular movements.

The agent was invited to address the meeting and said that consideration of whether to utilise solar panels was a matter for consideration once planning permission was secured.

Members discussed:

- That provision of a tall grain store was totally logical.
- The possibilities around possible conditioning of renewable energy solutions. The Planning Lawyer advised that an informative could be utilised. Suggestions were put forward and favourably received in respect of undertaking a structural survey of the roof to look to facilitate a 90% solar panel covering.
- Concerns as expressed by the Parish Council about vehicular movements. Views were expressed that in rural areas at harvest time this was a necessary way of life.

Councillor Emanuel proposed that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report and to also ensure that in the interest of sustainable development, prior to the completion above slab level of the grain store, a structural survey of the roof should be completed to demonstrate that the roof was of sufficient structural integrity to house PV solar panels with a 90% roof coverage.

This was seconded by Councillor Church.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report and the additional requirement as detailed in the motion above.

The meeting ended at 2:47 pm.

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	October 2020 to September 2022	October 2021 to September 2023	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (80.30%)	60% (84.15%**)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.06%)	70% (86.26%**)	P153

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

Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Live Table
	April 2018 - March 2020 (appeal decisions to end December 2020)	April 2019 to March 2021 (appeal decisions to end December 2021)	April 2020 to March 2022 (appeal decisions to end December 2022)	April 2021 to March 2023 (appeal decisions to end December 2023)	
Quality of major Development	10% (16.5*%)	10% (17.57%)	10% (11.76%**)	10% (10.81%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.31%)	10% (1.63%*)	P154

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

Agenda Item 4

Committee: Planning Committee
Date: 25 October 2023
Title: Quality of Major Applications
Author: Dean Hermitage

Purpose

1. To report to Planning Committee the applications that have been considered both as Delegated and at Planning Committee which contribute to the data considered by DHLUC as to whether a Local Planning Authority falls within the criteria to be designated.
2. There are four criteria where a Local Planning Authority may be designated - Quality Major; Quality Speed; Quality Non-Major and Speed Non-Major.
3. This report specifically considers the Quality of Major Applications and covers the period 2017 - 2024. The Quality of Major Applications is for decisions made within a two-year period with appeal decisions up to and including the 31 December of the two-year period.
4. Therefore, the periods covered in this report are as follows:
 - April 2017 - March 2019 (*appeal decisions made by 31/12/2019*)
 - April 2018 - March 2020 (*appeal decisions made by 31/12/2020*)
 - April 2019 - March 2021 (*appeal decisions made by 31/12/2021*)
 - April 2020 - March 2022 (*appeal decisions made by 31/12/2022*)
 - April 2021 – March 2023 (*appeal decisions made by 31/12/2023*)
 - April 2022 – March 2024 (*appeal decisions made by 31/12/2024*)
5. The Planning Advisory Service provided each Local Authority with a 'Crystal Ball' (basically a spreadsheet) where the data can be added each month/quarter to monitor whether there is any risk of designation.

6. Below shows the periods from April 2017 within the two-year DLUHC monitoring periods.

	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Apr 2017 - Mar 2019	76	29	17	8	7	2*	9.21%
Apr 2018 - Mar 2020	79	46	34	17	13	4**	16.46%
Apr 2019 - Mar 2021	74	38	27	13	13	1***	17.57%
Apr 2020 - Mar 2022	68	31	19	7	8	4****	11.76%
Apr 2021 - Mar 2023	74	30	18	5	8	5	10.81%
Apr 2022 - Mar 2024	66	20	10	2	1	7	1.52%

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

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

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

****Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2022. This may change. The published figure is less than 10% and a discussion is taking place with DLUHC Statisticians.

7 Cost of appeals per year*

Year	Legal including Awards of Costs	Consultants
2017 - 2018	£102,660	£33,697
2018 - 2019	£ 21,325	£10,241
2019 - 2020	£182,013	£78,776
2020 - 2021	£144,117	£70,481
2021 - 2022	£129,453	£152,057
2022 - 2023	£306,407.36	£169,873.42
2023 - 2024		

*Not including the Stansted Airport Inquiry.

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

8. Pending Appeals

8.1

Reference	Address	Type of Appeal	Hearing /Inquiry Date
UTT/21/1833/FUL	Land West Of Thaxted Cutlers Green Lane Thaxted	Public Inquiry	26 September 2023 / 11 days
UTT/21/2376/FUL	Land To The West Of High Lane Stansted	Written Representations	
UTT/21/3272/OP	Land South Of Stortford Road Little Canfield	Hearing	1 August 2023 / 1 day
UTT/22/1275/OP	Land At Parsonage Farm Parsonage Farm Lane Great Sampford	Hearing	4 October 2023 / 1 day
UTT/22/1718/FUL	Land West Of Colehills Close Middle Street Clavering	Written Representations	
UTT/22/1404/OP	Land South Of Braintree Road Dunmow	Hearing	22 August 2023 / 1 day
UTT/22/3094/FUL	Land To The North Of Birchanger Lane Birchanger	Hearing	16 November 2023 / 1 day

Recommendation

- 9. It is recommended that the Committee notes this report for information.**

Impact

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

Risk Analysis

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

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

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

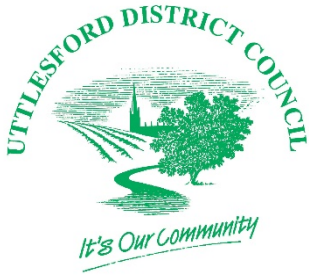
The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

Applications which have been submitted direct to the Planning Inspectorate

Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site Address:	Proposal:	Local Planning Authority Role:	Decision from PINs:
26 April 2022	S62A/22/000001	N/A	Land southeast of Stansted Airport, near Takeley	Requested a Screening Opinion for a solar farm including battery storage units, with approximately 14.3MW total maximum capacity.	Notified of outcome	
26 April 2022	S62A/22/0000002	UTT/22/1040/PINS	Former Friends' School, Mount Pleasant Rd, Saffron Walden	Conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.	Consultee	Approval with conditions – 11/10/2022
24 May 2022	S62A/22/0000004	UTT/22/1474/PINS	Land east of Parsonage Road, and south of Hall Road, Stansted	The erection of a 14.3 MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.	Consultee	Approval with conditions – 24/08/2022
06 July 2022	S62A/0000005	UTT/22/1897/PINS	Canfield Moat High Cross Lane Little Canfield	Erection of 15 dwellings	Consultee	Refused – 27/06/2023
20 July 2022	S62A/0000006	UTT/22/2046/PINS	Land At Berden Hall Farm Dewes Green Road Berden	Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.	Consultee	Approval with conditions – 09/05/2023
02 August 2022	S62A/0000007	UTT/22/2174/PINS	Land to the south of Henham Road Elsenham	Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access, on land to the south of Henham Road, Elsenham)	Consultee	Approval with conditions – 14/06/2023
23/09/2022	S62A/0000011	UTT/22/2624/PINS	Land near Pelham Substation Maggots End Road Manuden	Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and Landscaping	Consultee	Refused – 11/05/2023
06/10/2022	S62A/0000012	UTT/22/2760/PINS	Land East of Station Road Elsenham	Outline Planning Application with all matters Reserved except for the Primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works.	Consultee	Approve with conditions – 11/04/2023
30/11/2022	S62A/2022/0014	UTT/22/3258/PINS	Land To The West Of	Consultation on S62A/2022/0014- Outline application with all matters reserved except for	Consultee	Approve with conditions – 30/05/2023

			Thaxted Road Saffron Walden	access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road.		
30/01/2023	S62A/2023/0015	UTT/23/0246/PINS	Grange Paddock Ickleton Road Elmdon	Consultation on S62A/2023/0015- Application for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout.	Consultee	Refuse – 11/05/2023
27/04/2023	S62A/2023/0016	UTT/23/0902/PINS	Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley	Consultation on S62A/2023/0016- Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.	Consultee	Refuse – 09/08/2023
24/04/2023	S62A/2023/0017	UTT/23/0950/PINS	Land Tilekiln Green Great Hallingbury	Consultation on S62A/2023/0017 - Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities	Consultee	Refuse – 27/07/2023
27/04/2023	S62A/2023/0018	UTT/23/0966/PINS	Land East Of Pines Hill Stansted	Consultation on S62A/2023/0018 - Up to 31 no residential dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill	Consultee	Refuse 08/09/2023
03/08/2023	S62A/2023/0019	UTT/23/1583/PINS	Land Known As Bull Field, Warish Hall Farm Smiths Green Takeley	Access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to:: 96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure	Consultee	
08/08/2023	S62A/2023/0022	UTT/23/1970/PINS	Passenger Terminal Stansted Airport	Partial demolition of the existing Track Transit System and full demolition of 2 no. skylink walkways and the bus-gate building. Construction of a 3-bay extension to the existing passenger building, baggage handling building, plant enclosure and 3 no. skylink	Consultee	
15/08/2023	S62A/2023/0021	UTT/23/1848/PINS	Moors Fields Station Road Little Dunmow	Consultation on S62A/2023/0021 - Application for the approval of reserved matters for appearance, landscaping, layout and scale for 160 dwellings and a countryside park pursuant to conditions 1 and 2 of outline planning permission UTT/21/3596/OP	Consultee	

Agenda Item 6



ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 25 October 2023

REFERENCE NUMBER: UTT/22/1261/FUL

LOCATION: Land to the West of Mill Lane Hatfield Heath

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 22nd August 2023

PROPOSAL: The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.

APPLICANT: Mr W. I Bampton

AGENT: Miss Hannah Wallis

EXPIRY DATE: 22.08.2022

EOT EXPIRY DATE: 31.10.2023

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Metropolitan Green Belt
Locally Listed Buildings

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 This application was submitted on the 23.05.2022 for the following proposal: *“The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 5 no. single storey dwellings and 5 no. terraced cottages.”*

1.2 During the determination period of this application, it was deemed that elements of the application infringed upon the openness of the Metropolitan Green Belt and that the principle of development was unacceptable, as well as concerns being raised with regards to the impact on the Local Highway.

1.3 Subsequently, the application was amended and subject to a fresh round of re-consultation for 21 days. As such, this is the subject application that will be treated for this planning committee.

- 1.4 The revised scheme is described as *“The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.”*

2. **RECOMMENDATION**

That the Strategic 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 Section 106 Agreement in accordance with the Heads of Terms as set out; and
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Strategic Director of Planning shall be authorised to **REFUSE** permission at their discretion at any time thereafter.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located on land west of Mill Lane, Hatfield Heath. It is on the north-west edge of Hatfield Heath and has existing residential development located to the west, south and east and a commercial site to the north.
- 3.2 The site is characterised by a large number of rectangular single-storey buildings and a four-storey water tower arranged around an area of hardstanding, a further informal cluster of buildings and wooded areas. There is currently no public access through the site, although PROW 297-9 runs adjacent to the eastern boundary of the site.
- 3.3 Existing access to the site is via two points from Mill Lane. The first, which serves the southern portion of the site, is just north of the property known as the Hollies at the point where Mill Lane doglegs east. The other is via the northernmost extent of Mill Lane providing the existing access to Greenways Eggs. Mill Lane connects with Stortford Road (A1060), the main road through the village.

4. **PROPOSAL**

- 4.1 This full application proposal relates to the demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings.

- 4.2 The proposal also seeks the creation of a pedestrian and cycle link path to link with the existing residential development within 'Home Pastures' to the east of the site.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/16/3697/FUL	Demolition of existing buildings and the development of 40 new dwellings and associated infrastructure.	Withdrawn
UTT/17/2499/FUL	Demolition of existing buildings and the development of 26 new dwellings and associated infrastructure	Non-Determination
UTT/18/0747/ACV	Application to register as asset of community value	Asset Community Value Not Listed

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

- 7.1 The applicant has undertaken the following pre app advice and community consultation:

- UTT/14/3335/PA: Pre-application advice for the construction of 10-15 dwelling houses on the former POW camp, Mill Lane Hatfield Heath. This related to only the front part of the site and concluded that *“the principle of the proposed development appears to be acceptable in terms of green belt subject to it not having a greater material impact than that of the existing development.”*
- UTT/17/1138/PA: Following the withdrawal of UTT/16/3697/FUL a series of pre-application meetings were undertaken between the applicant and the planning officer to determine the most sensitive distribution of development across the site in terms of protecting / improving the openness of the Green Belt. These agreed principles underpinned the layout, scale and massing of the subsequent application - UTT/17/2499/FUL.
- On the 22nd of October 2021 a meeting was had with the Parish Council.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

- 8.1 **Highway Authority – No Objection subject to conditions**

- 8.1.1
- The Highway Authorities consultee response can be found in Appendix 1 of this report.

8.4 Local Flood Authority - No Objection subject to conditions

- 8.4.1
- The Lead Local Flood Authorities (SuDS) consultee response can be found in Appendix 2 of this report.

9. PARISH COUNCIL COMMENTS

- 9.1
- Isolated site.
 - No footway for Mill Lane.
 - Dangerous on foot.
 - Unacceptable traffic situation.
 - No footway for Mill Lane in the plan.
 - Traffic flow figures have been massaged.
 - Articulated lorries use the lane.
 - 10mph limit and road name signs have been damaged and/or destroyed.
 - The number of houses in the road has doubled (all legitimately approved through the LPA).
 - This proposal would be a further major increase.
 - An independent survey (Advanced Transportation Research under order number Q17884) carried out between 12th June to 19th June 2018 inclusive revealed 1102trips were made, 654 due to Greenways and 448 for the 13 modest size houses in Mill Lane (34.5 per household).
 - Since our survey, a major automotive sales and servicing business has been created immediately adjacent to Camp Farm, that receives a large number of visits (including low loaders which are NOT escorted onto the site).
 - A recent approval by the LPA to expand Hatfield Haven will have a further major impact on parking in and around the area.
 - Mill Lane is already completely overloaded.
 - This development is not sustainable.
 - Questioning the ownership of Mill Lane

Additional objections as of the 6th October 2023

- Having in August claimed that the existing footpath would be 'retained', the applicant has resurrected the 3m wide paved roadway to replace it and taken away the existing concrete bollards designed to prevent vehicular traffic.
- The basic fact is that FP 21 is a FOOTPATH/PROW and not a roadway and an ill-concealed attempt to introduce a 'second entrance' to Mill Lane.
- The existing bollards are there to prevent it being used as a vehicular and must be retained as should the existing width.
- Widening to 3m would also infringe the green belt at the Mill Lane end.

- The so called 'local widening' of Mill Lane appears to depend on removal of bollards outside 'The Hollies' and other infringements on land owned by other residents, with actually no benefit whatsoever.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

- 10.1.1** As the site is 4.31 hectares there is a policy requirement for 40% affordable housing provision. However, given the location of the site a commuted sum would be preferable.

10.2 UDC Environmental Health

- 10.2.1** No objections subject to the imposition of conditions regarding:
- Submission of a Phase 1 Desk Study Report.
 - Submission of a Noise survey.
 - Construction/Demolition Management Plan.
 - External Lighting.
 - Provision of electric vehicle charging points.

10.3 Place Services (Conservation and Heritage)

- 10.3.1** The conversion and reuse of the huts and water tower are supported in principle, the conservation officer has stated that the proposal will inevitably result in harm to the significance of the non-designated heritage asset.

They have advanced conditions if the local planning authority is mindful to approve.

10.4 Place Services (Ecology)

- 10.4.1** No objections subject to the imposition of conditions regarding:
- Development to be in accordance with the ecology appraisal.
 - Submission of a Natural England Mitigation Licence for Great Crested Newt's.
 - Submission and approval of biodiversity enhancement layout.
 - Submission of a Landscape and Ecological Management Plan.
 - Wildlife Sensitive Lighting Design Scheme.

10.5 Place Services (Archaeology)

- 10.5.1** No objections subject to the imposition of conditions regarding:
- Building recording.
 - Archaeological programme of trial trenching and excavation.

10.6 Thames Water

10.6.1 With regard to the wastewater network and sewage treatment works infrastructure capacity. Thames Water would not have any objection towards this planning application, based on the information provided.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 257 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

11.2 Support

- 11.2.1**
- Access is acceptable
 - Re-use of site should be allowed
 - Buildings will deteriorate and rot further without action
 - SuDS are appropriate
 - Site is considered as a previously developed site
 - Site is sustainable
 - Application is sympathetic to the environment
 - Improvements to the road

11.3 Object

- 11.3.1**
- Site has been identified as a local heritage asset
 - Access to houses is via a road which is too narrow for traffic
 - The road is a designated bridleway
 - No room for pedestrians, horses, cars and trucks to use this road at the same time
 - The proposed new dwellings do not positively contribute towards the character of the village setting.
 - Schools are oversubscribed
 - Surgery is oversubscribed
 - No demand for holiday homes in this area
 - Approval of the proposed holiday homes will undoubtedly lead to the request for permission for these to be converted to permanent homes in the near future.
 - Within Green Belt
 - Outside development limits
 - Increased Traffic
 - Loss of visual amenity
 - Loss of open green spaces
 - No benefit to the community
 - No social housing provision
 - Lack of parking
 - Noise
 - Disruption from building works
 - Loss of trees
 - Impact on wildlife

- Drainage/Flooding
- Loss of privacy
- Overdevelopment
- Air pollution
- Pedestrian access will be blocked to the fields
- No street lights
- Archaeological implications

11.4 Neutral

- 11.4.1** • Not completely against a small development if it is reasonable and sympathetic to the area

11.5 Comment

- 11.5.1** • The required statutory consultations have been made
 • The material consideration will be considered in the following report

12. MATERIAL CONSIDERATIONS

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

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

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

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

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 February 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 (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1

S6	Metropolitan Green Belt
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H9	Affordable Housing
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV7	Protection of the Natural Environment
ENV8	Other Landscape Elements of Importance
ENV10	Noise Sensitive Development
ENV12	Groundwater Protection
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 State name of relevant Neighbourhood Plan in this title

- 13.3.1 There is not 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and 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) Design, Layout, Scale and Appearance**
 - C) Heritage**
 - D) Impact on Neighbours and Amenity**
 - E) Highways Authority and Parking Standards**
 - F) Flood Protection**
 - G) Environmental Health**
 - H) Ecology**
 - I) Accessibility**
 - J) Landscaping**
 - K) Planning Balance**

14.3 A) Principle of Development

14.3.1 The site is located outside the defined Development Limits of Hatfield Heath within the Metropolitan Green Belt (Policy S6) as defined within the Uttlesford Local Plan (2005) which states that development will only be permitted if it accords with national policy on Green Belts. Any development should preserve the openness or permanence of the greenbelt, and its scale, design and siting should be such that the character of the countryside is not harmed.

14.3.2 Further to the demolition of 10 no. existing structures, the proposal also seeks the re-development of the site, comprising of:

- The conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages.
- The conversion of 1 no. dwelling.
- The construction of 3 no. single storey dwellings.
- The creation of a pedestrian and cycle link path.
- All related works inc landscaping and infrastructure

14.3.3 The National Planning Policy Framework (NPPF 2023) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.4 In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.5 The National Planning Policy Framework is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or 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:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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

- 14.3.6** Paragraph 49 of the National Planning Policy Framework confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 14.3.7** Paragraph 137 of the National Planning Policy Framework states that: *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*
- 14.3.8** Paragraph 138 states that: *“the five purposes of the Green Belt are:*
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns;
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”
- 14.3.9** Paragraph 148 states that: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 14.3.10** Paragraph 149 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

14.3.11 Sustainable Development:

There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.

14.3.12 The Countryside:

The application site is outside defined development limits and is therefore deemed to be in the countryside and in this applications case, located within the Metropolitan Green Belt.

Policy S6 of the Uttlesford Local Plan states that “*development compatible with the countryside setting and purposes of the Green Belt will be permitted within these boundaries.*”

14.3.13 Uttlesford Local Plan Policy S6 takes a protective approach to development within the Green Belt, this is reflected in the NPPF’s stance in protecting the Green Belt. The aim to protect the Green Belt from inappropriate development remains entirely relevant and consistent with the NPPF in recognising the Green Belts role in preventing urban sprawl by keeping land permanently open.

14.3.14	Paragraph 137	-	The development does not seek to <i>prevent urban sprawl, however it does intend to restore the buildings and to keep the land permanently open.</i>
	Paragraph 138	-	Part of the proposal concerns the conversion and restoration of existing buildings. The proposed new buildings are required to fund the development.
	Paragraph 147	-	The restoration of non-designated heritages assets could be considered to be very special circumstances.
	Paragraph 148	-	
	Paragraph 149	-	The siting of the new dwellings could be considered to be on previously developed land and is required in order to offset the costs of restoration works.

14.3.15 ***Applying policy S6 tests in conjunction with paragraph 8 of the NPPF for the Commercial Development (Holiday Lets):***

14.3.16 Economic objective:

The proposal will potentially provide 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.

14.3.17 Social objective:

The site is in close proximity to Hatfield Heath where there are a number of shops, services and bus stops.

14.3.18 Environmental objective:

The proposal seeks to make more efficient use of the land, it provides a number of biodiversity gains, however the Local Planning Authorities Historic Environment Advisor has raised concerns regarding the loss to the historic environment.

14.3.19 ***Applying policy S6 tests in conjunction with paragraph 8 of the NPPF for the Residential Development:***

14.3.20 Economic objective:

The proposal will potentially provide 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.

14.3.21 Social objective:

For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) 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 located to the north west of Hatfield Heath, and as such, although not ideally positioned, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. The agent has advanced a number of circumstances in to address this, therefore paragraph 80 is not applicable on this occasion

14.3.22 For the 'proximity to services' the location is not considered to be inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are available within the village of Hatfield Heath. Although the new dwelling would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that there are a number of bus stops located within the vicinity of the site. These stops are:

14.3.23 2 no. Bus stops (Hatfield Heath, The Thatchers) approximately 645m away by road.

There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford as of (1st Aug 2022) Monday-Saturday.

14.3.24 2 no. Bus stops (Hatfield Heath, Mill Lane) approximately 965m away by road.

There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford as of (1st Aug 2022) Monday-Saturday.

14.3.25 3 no. Bus stops (Hatfield Heath, The White Horse) approximately 1100m away by road.

There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford as of (1st Aug 2022) Monday-Saturday.

There are regular buses (between the hours of 6am – 6:45pm) that run between Harlow - Chelmsford as of (3rd Sept 2023) Monday-Friday.

There is also a reduced service on a Sunday between 9:15am – 7:15pm.

14.3.26 Therefore, the proposal accords with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).

14.3.27 Environmental objective:

The proposal seeks to make more efficient use of the land. The proposal provides a number of biodiversity gains, however the Local Planning Authorities Historic Environment Advisor has raised concerns regarding the loss to the historic environment.

14.4 B) Design, Layout, Scale and Appearance

14.4.1 Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

14.4.2 Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.

14.4.3 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.4.4 The second criterion is that the development should safeguard important environmental features in its setting.

14.4.5 The application proposes the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages along with 1 no. new dwelling.

14.4.6 The proposal also seeks the construction of 3 no. single storey dwellings along with the creation of a pedestrian and cycle link path.

14.4.7

Plot no.	Ground floor footprint (m²)	Eaves height (m)	Ridge height (m)	Building width at widest point (m)	Building depth at deepest point (m)
Unit 1	87m ²	2m	3.4m	14.7	5.9m
Unit 2	98m ²	2.4m	4m	16.6	5.9m
Unit 3	87m ²	2.2m	3.7m	14.8m	5.9m
Unit 4	80m ²	2.2m	3.6m	15.1m	5.9m
Unit 5	66m ²	2.4m	3.8m	11.2m	5.9m
Unit 6	66m ²	2.3m	3.8m	11.2m	5.9m
Unit 7	77m ²	2.3m	3.7m	13m	5.9m
Unit 8	112m ²	2.4m	3.7m	19m	5.9m
Plot 1	361m ²	2.8m	3.5m	43.2m	11.5m
Plot 2	361m ²	2.8m	3.5m	43.2m	11.5m
Plot 3	361m ²	2.8m	3.5m	43.2m	11.5m
Plot 4	53.5m ²	13.2m	13.2m	7.9m	8.9m

14.4.8 The dwellings would comprise of single storey dwellings, holiday lets along with the conversion of a 4-storey water tower.

14.4.9 Whilst it is acknowledged that the built form within the site will be increasing, this is required in order to offset the costs of the restoration of the site.

14.4.10 The Essex Design Guide recommends that dwellings with 2 bedrooms should have private amenity spaces of 50m², 3-bedrooms should have 75m² and 4-bedroom and above should provide 100m².

14.4.11 Each plot would have sufficient garden amenity space in excess of the amenity standards to serve the property they serve. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application

14.4.12 Each plot would have sufficient parking provision for the dwellings. There is also sufficient visitor parking provided across the development.

14.4.13 Referring to the vehicle tracking diagram, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.

14.4.14 As there a mixture of styles in the locality, the agent seeks to provide modern housing in the form of a villa style of housing that takes its form from the original officers buildings within the POW camp.

- 14.4.15 The range of materials presented is considered to be acceptable and appropriate for the site's countryside setting.
- 14.4.16 Minimal trees are proposed to be removed under this application in order to safeguard the environmental features of the site.
- 14.4.17 The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of Uttlesford Local Plan Policy GEN2.

14.5 C) Heritage

- 14.5.1 The site itself is set to the southern part of a former prisoner of war camp, to the north of the site lies the northern side of the camp.
- 14.5.2 The Prisoner of War Camp is listed with the Uttlesford Local Heritage List (April 2021)

It's listing is as follows:
"POW Camp 116

Former Italian/German POW camp conforming to the so-called 'Standard' layout, with a guards' compound consisting of Ministry of War Production (MoWP) huts and all timber Laing type huts for the prisoners. Huts constructed in a variety of materials, ranging from timber or concrete framing with hollow clay block, brick, concrete block and timber weatherboarding. The site housed units with a variety of uses, including dormitories, ablution and lavatory blocks, canteens, kitchen and hospital. There is also a prominent water tower, surviving in good condition. It is a key landmark within the site, and is little altered. Despite the level of dilapidation, some original features to survive, including fixtures and fittings including doors, shower cubicles and graffiti, understood to have been the work of the Italian prisoners.

The site was surveyed by Historic England in 2003, and was recorded as being 'Condition 2 – near complete'. This places it in a significant grouping of only 17% of the 'standard' camps that survive'. Criteria: A, B, C, E, G

Value: Individual/group"

- 14.5.3 The application site also lies in a potentially sensitive area of archaeological deposits.
- 14.5.4 In terms of impacts upon the non-designated heritage assets, the Historic Environment Team Place Services Essex County Council commented on the application most recently in September 2023, after revisions to the proposal making the following observations:

- 14.5.5** *“The site comprises the southern half of a former Prisoner of War (POW) camp to the north of Hatfield Heath. This is the former guards’ compound with the prisoners’ compound located to the north and in separate use. The POW camp, including the surviving structures and layout, is considered to be a non-designated heritage asset under the provisions of the NPPF. It is included on the Council’s Local Heritage List (reference no. 418).”*
- 14.5.6** *“I understand that concerns about the lack of clear and convincing justification for the use of timber weatherboarding to the existing clay block buildings have been overcome and a suitable condition has been suggested.”*
- 14.5.7** *“My attention has been drawn to the existing plan and elevation drawing for the Water Tower which was requested in order to assess the heritage impact of the proposals for conversion of this building. The only existing window openings in the building are three sets of three windows to the east and west elevations. Although conversion of the water tower is supported, as suggested to be likely in the letter dated 7th September 2022 from Maria Kitts, the extent of glazing to the north elevation including the glazed balcony, as well as the proposed glass balustrade at roof level on all elevations (presumably to allow roof access) is considered to be excessive and could be reduced to the benefit of the significance of the non-designated heritage asset.”*
- 14.5.8** *“As before, although the conversion and reuse of the huts and water tower are supported in principle, due to the proposed demolitions and changes to the site layout, the scheme will inevitably result in harm to the significance of the non-designated heritage asset, making Paragraph 203 of the National Planning Policy Framework (NPPF, 2021) relevant.”*
- 14.5.9** *“If the application is to be approved, in addition to the programme of building recording recommended by the Archaeologist, as per our letter of 8th August 2022, I would request the following conditions are applied:*
- *No conversions, alterations or construction shall be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.*
 - *No conversion, alterations or construction shall be commenced until samples of the materials to be used on the external finishes (including doors and windows) have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.*

- *No conversion or alterations shall take place until the submission of a condition report and conservation treatment proposal for the wall painting in the canteen building by a suitably qualified and experienced specialist conservator have been submitted for approval by the local planning authority.*
- *Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.”*

14.5.10 In terms of the “tilted balance”, as set out in Section K of the Report, paragraph 203 of the National Planning Policy Framework 2023 (NPPF) advises that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

14.5.11 Colleagues at the Place Services Historic Environment Team have advised that *“although the conversion and reuse of the huts and water tower are supported in principle, due to the proposed demolitions and changes to the site layout, the scheme will inevitably result in harm to the significance of the non-designated heritage asset.”*

14.5.12 In terms of archaeological impacts, the Specialist Archaeological Adviser at Place Services, Essex County Council have reported that the application site has the potential for surviving archaeological deposits and has recommended a series of pre-development conditions of building recording and archaeological investigation.

14.5.13 Therefore, and on balance, the proposed development would comply with the provisions of ULP Policies ENV2 and ENV4.

14.6 D) Impact on Neighbours and Amenity

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

14.6.2 It is not considered that the application due to its size, scale and proposed usage would not result in any material detrimental overlooking, overshadowing or overbearing. Therefore, would not adversely impact on neighbour’s amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

14.6.3 According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where:

- a) noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

14.6.4 In order to protect the site from over development and to protect the amenities of the neighbouring dwellings and adjoined Listed Building, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

14.6.5 No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2023).

14.7 E) Highways Authority and Parking Standards

14.7.1 Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.

14.7.2 In terms of impacts of the development upon the road infrastructure and highways safety, the Highways Authority at Essex County Council have been consulted. They have commented on the application in November 2022, making the following observations:

14.7.3 *“Further to our last response (dated 10.01.2023), amendments have been made to the scheme in response to the concerns raised. A Stage 1 Road Safety Audit has been undertaken on the whole highway works package and an alternative route for pedestrians is provided such that pedestrians, cyclists and vehicles need not share the carriageway of Mill Lane (which will also be widened)”*

14.7.4 *“The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021, in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.”*

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

- Submission of a Construction Management Plan
- Provision of Visibility Splays
- Provision of an all-weather link from the access road to the Bridleway
- Provision for safe and suitable access
- Widening works to Mill Lane
- Provision and implementation of a Residential Travel Information Pack

- Provision of vehicle parking
- Provision of vehicular turning facility

14.7.6 Parking provision is demonstrated on the supplied plans to meet the adopted Uttlesford parking standards.

14.7.7 As such the proposal would meet the adopted minimum parking standards and does accord with Uttlesford Local Plan Policy GEN8.

14.7.8 It is therefore concluded that the proposal accords with Uttlesford Local Plan Policies GEN1 and GEN8.

14.8 F) Flood Protection

14.8.1 The site is located within flood zone 1, due to the scale of the proposal a flood risk assessment has been submitted.

14.8.2 The Lead Local Flood Authority have been consulted. They have commented on the application, and they do not have any objection towards the proposal subject to conditions.

14.8.3 As such, the proposal accords with Uttlesford Local Plan Policy GEN3.

14.9 G) Environmental Health

14.9.1 Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to conditions for the following:

- A Phase 1 Desk Study is undertaken and submitted to the Local Planning Authority along with any required remediation works required prior to any works commencing on site.
- The submission of a noise impact assessment.
- The submission of a Demolitions and Construction Method Statement.
- The submission of a Construction and Demolition Management Plan.
- External Lighting.
- The installation of electric vehicle charging points to minimise the impact of the development on the air quality of the area.

14.9.2 The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land in accordance with policies GEN4, GEN5, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

14.10 H) Ecology

14.10.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature

conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.10.2 Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are *“satisfied that there is sufficient ecological information available for determination”* subject to conditions securing biodiversity mitigation and enhancement measures.

14.10.3 Given the site’s location within the Green Belt and proximity to woodlands, Ecology have requested that a Pre-Commencement condition to secure a Mitigation Licence for Great Crested Newt’s prior to commencement of any works on site in order to ensure that protected species will be protected.

14.10.4 Ecology are also supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.

These include:

- The installation of bat boxes.
- Bird boxes.
- A Barn Owl box.
- Pond enhancements.
- New planting on site and the inclusion of green roofs on the proposed villas

14.10.5 Additional conditions requiring compliance with the Ecological Appraisal Recommendations, the submission of a Landscape and Ecological Management Plan and a Wildlife Sensitive Lighting Design Scheme will be sought with any forthcoming grant of permission.

14.10.6 As such, the proposal as submitted would comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2023).

14.11 I) Accessibility

14.11.1 Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.12 J) Landscaping

14.12.1 In the interests of the appearance of the site and the surrounding area,

a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the occupation.

14.12.2 Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

14.12.3 The proposal is considered to be appropriate for this site and no objections are therefore raised under ULP Policies GEN2 and ENV3.

14.13 K) Planning Balance

14.13.1 When considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Paragraph 11 (d) of the NPPF advises:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7) or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

14.13.2 The development site is located outside development limits. The Council’s October 2023 published land supply figure is 5.14, this figure does include the necessary 5% buffer. That said the Council’s Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still likely to be engaged, depending on the specifics of the development proposal and whether the potential harm the development might cause ‘*significantly and demonstrably*’ outweighs the potential positive outcomes of the development as a whole.

It is noted that this area is not covered by any Neighbourhood Plan.

Positives:

- 14.13.3**
- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
 - Holiday lets will create a small number of jobs within the district.
 - The site is currently closed off to the public, this proposal would enable the site to be reopened to the public.

- The addition of 4 no. new dwelling in this location it would contribute to the Local Planning Authority land supply.
- The development site is considered to meet the criteria of paragraph 149 (g) of the NPPF in that it is considered to be entail the redevelopment of previously developed land, whether redundant or in continuing use.
- The development would provide an offsite contribution towards Affordable Housing within the locality.

Negatives:

- 14.13.4**
- Impact on the openness of the Green Belt.
 - Harm towards the existing POW camp.
 - Detrimental impact and harm to the rural character of the site.
 - Urbanising and domesticating the site unduly.
- 14.13.5** Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will outweigh the negatives of the development as a whole and as such the Tilted Balance is engaged in this respect.
- 14.13.6** The principle of development is therefore considered to be acceptable and would be in accordance with Uttlesford Local Polices Uttlesford Local Plan Policies S6, H1 and the National Planning Policy Framework (2023)

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation:

16.2 The principle of the development is acceptable to the Local Planning Authority. This proposal seeks to restore a portion of the camp enabled by the addition of new dwelling house on the site.

16.3 The proposed he proposed design and scale are considered to be appropriate for this location.

16.4 On balance, when the proposal is weighed against the public benefits provided the tilted balance would be engaged, the proposal would secure optimum use of the land whilst minimising the harm to the non-designated heritage assets.

16.5 No objections have been raised with regard to the impact on neighbouring dwellings.

16.6 The Highways Authority have no objection towards the proposal subject to conditions with any grant of permission, the parking on the site is acceptable.

16.7 The Lead Local Flood Authority (SuDS) have no objection towards the proposal.

16.8 No objections have been raised by Environmental Health.

16.9 Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.

16.10 The proposals would be constructed to Part M4(2) standards.

16.11 The proposed landscaping scheme is considered to be appropriate for this rural site.

16.12 On balance, when the proposal is weighed against the public benefits provided, the tilted balance would be engaged. The proposal would secure optimum use of the land with regard to the business and residential units. Whilst there is harm to the non-designated heritage assets the positives of the development and contribution to land supply tip the balance in favour of development.

17. S106 / CONDITIONS

17.1 S106 Obligation Agreement – Heads of Terms

- 17.2**
- Agreement and provision of a commuted sum contribution towards offsite affordable housing.
 - Pay the Council's reasonable legal costs.
 - Pay the monitoring fee.

17.3 Conditions

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

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

- 2** Accordance with Approved Plans

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** No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate

photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 4** No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority.

The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

REASON: To ensure that the development will not cause harm to the amenity of existing residential properties in accordance with policy ENV10 of the adopted Uttlesford Local Plan 2005.

- 5** 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:

- a) vehicle routing,
- b) the parking of vehicles of site operatives and visitors,
- c) loading and unloading of plant and materials,
- d) storage of plant and materials used in constructing the development,
- e) 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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

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

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

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

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

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 7** No conversions, alterations or construction shall be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 8** No conversion, alterations or construction shall be commenced until samples of the materials to be used on the external finishes (including doors and windows) have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 9** No conversion or alterations shall take place until the submission of a condition report and conservation treatment proposal for the wall painting in the canteen building by a suitably qualified and experienced specialist conservator have been submitted for approval by the local planning authority.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 10** Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 11** No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 12** No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 13** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 14** No development or preliminary groundworks of any kind shall take place

until the completion of the programme of archaeological investigation identified in the WSI defined in condition 13.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 15** The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

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

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 17** Prior to commencement, any works which will impact the resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant 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 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
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

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

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

- 19** The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b) No dust emissions should leave the boundary of the site
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

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

- 20** Prior to development above slab level, details to be submitted to the local planning authority of the all-weather link from the access road to bridleway 9 (Hatfield Heath 297) and through to Home Pastures (along existing footpath 12, Hatfield Heath 297) as shown in principle on drawings no. ITB11347-GA-012 Rev G and 571x02 Rev C including, but not limited to: provision of an all-weather surface suitable for pedestrians and cycles, vegetation management, and the necessary order/agreement to allow cycle movements, to be considered and approved in consultation with the highway authority.

REASON: To make adequate provision for safe and suitable access to site for pedestrians and cyclists in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

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

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

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

22

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:

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

The scheme shall subsequently be implemented prior to occupation

REASON:

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

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 23** Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 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 road junction 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 road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 24** Prior to occupation of the development, visibility splays at the junctions of the all-weather link with the existing bridleway of Mill Lane (bridleway 9, Hatfield Heath 297) and the improved public right of way to Home Pastures (footpath 12, Hatfield Heath 297) shall be provided as shown in principle on drawing ITB11347-GA-012 Rev F. Such visibility splays shall be retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between the users of the highway, bridleway and pedestrians/cyclists accessing the development in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 25** Prior to occupation of the development, the highway works shown in principle on drawing no. ITB11347-GA-012 Rev G are to be provided entirely at the developer's expense. These works shall include, but not be restricted to, the following:
- a) Widening of Mill Lane, maintaining a minimum 0.45m clearance from existing buildings

- b) Resurfacing of Mill Lane from Stortford Road to site access, including full depth construction/re-construction where required
- c) Improvements to the existing access to site from Mill Lane
- d) Provision of footway and amendments to kerb radii at junction of Mill Lane with Stortford Road
- e) Provision of all-weather surfaced link to Home Pastures

REASON: To make adequate provision within the highway for vehicular traffic, pedestrians and cyclists as a result of the proposed development ensuring safe and suitable access to site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 26** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling/unit, for sustainable transport, approved by Essex County Council (packs for residential dwellings to include six one day travel vouchers for use with the relevant local public transport operator).

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 27** The proposed development shall not be occupied until such time as the vehicle parking provision indicated on the approved plans has been hard surfaced, sealed and marked. The vehicle parking provision shall be retained at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 28** Prior to occupation of the development, a vehicular turning facility shall be constructed and surfaced and will be maintained free from obstruction within the site at all times.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 29** 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.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 30** Prior to occupation, the dwellings and holiday lets shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready to use and retained thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 31** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development.

The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be

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

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

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

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

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

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

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

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 34** All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space.

- 35** The development hereby approved shall be constructed to meet the optional requirement under Part G of the Building Regulations 2010 for the maximum potential consumption of wholesome water of 110 litres per person per day.

REASON: In order to minimise water consumption and to accord with Policy GEN 2 - Design of the Uttlesford Local Plan 2005 and Interim Policy 3 of the Uttlesford Interim Climate Change Policy 2021.

- 36** 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 policy DM1 of the Development Management Policies, as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 37** All hard and soft landscape works shall be carried out in accordance with the approved details.

All hard landscaping shall be carried out prior occupation.

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

All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A - F of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped, protect the amenities of the neighbouring dwellings and the setting of the non-designated heritage assets, in accordance with Policies S6, GEN2, GEN4 of the Uttlesford Local Plan (2005).

APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/22/1261/FUL
Our Ref: HT/TPD /SD/KW/26093/4C
Date:- 02/09/2022



Essex County Council

Paul Crick
Director for Highways and Transportation

CC: Cllr Susan Barker

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation of Refusal

Application No. UTT/22/1261/FUL

Applicant Mr W. I Bampton

Site Location Land To The West Of Mill Lane Hatfield Heath

Proposal The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 5 no. single storey dwellings and 5 no. terraced cottages

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

This application with 19 dwellings (8 holiday cottages and 11 permanent dwellings) would lead to the intensification of the access road Mill Lane. Previous applications on this site included the closing down of the egg processing plant, this one does not. Mill Lane is narrow and has a pinch point of less than 4m and a bend that limits visibility. There are no pedestrian facilities currently on the road and although a footway is proposed it does not serve the entire length of Mill Lane. Therefore, pedestrians, cyclists and vehicular traffic would still have to share the highway on the narrowest part where there is also limited visibility and on the transition onto the main road. The presence of an egg packing plant to the north of the site also results in HGVs using the road on a regular basis.

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

The applicant has not demonstrated that safe and suitable access for all users can be achieved in this location for the following reasons:

1. The proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility. Mill Road has limited width and visibility, at points it falls below 4m in width, not allowing two cars to pass. The proposed pedestrian facilities do not serve the whole length of the highway and so pedestrians, cyclists and vehicles all share a limited space which could lead to conflict and adversely impact on pedestrian safety.
2. There is insufficient information to demonstrate that safe and suitable access for all users can be achieved to the application site with specific regard to the following:
 - a. Visibility splays from the junction of Mill Lane with Stortford Road should be provided.
 - b. Visibility splays from the access to the terraced housing should be provided in accordance with the guidance in Manual for Streets.
 - c. Swept path analysis for a large car and a van should be provided for the access to the terraced housing.
 - d. The swept path analysis for a refuse vehicle has been provided for the site but it uses a vehicle of a smaller length than that used by UDC refuse team. This should be repeated with correct vehicle, which has a length of 10.325m and a turning circle of 22.4m, The speed of the vehicle should be provided and should be a reasonable speed for the type of road.
3. Layout
 - a. There is no turning facility in the terraced housing, a size 5 turning head is required to allow vehicles to leave in a forward gear.
 - b. The preferred minimum width for a footway is 2m rather than the proposed 1.2m.
4. Mitigation
 - a. Appropriate opportunities to promote sustainable transport modes have not been sufficiently taken up.

The proposal is therefore contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Gen 1 of the Uttlesford Local Plan 2005. It is also contrary to NPPF paragraph 110 and 112.

F. Masnie

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pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
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Email: [REDACTED]

Your Ref: UTT/22/1261/FUL
Our Ref: HT/TPD /SD/KW/26093/4C
Date:- 10/01/2022



CC: Cllr Susan Barker

Paul Crick
Director for Highways and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation of Refusal

Application No.	UTT/22/1261/FUL
Applicant	Mr W. I Bampton
Site Location	Land To The West Of Mill Lane Hatfield Heath
Proposal	The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The original application has been revised and now proposes 8 holiday cottages and 4 permanent dwellings although this is less than was previously proposed in this application (8 holiday cottages and 11 permanent dwellings) it would still lead to the intensification of the access road Mill Lane. Previous applications on this site included the closing down of the egg processing plant, this one does not. Mill Lane is narrow and has a pinch point of less than 4m and a bend that limits visibility. There are no pedestrian facilities currently on the road and there are none proposed with this version of the application. Pedestrians, cyclists and vehicular traffic will have to share the highway on the narrowest part of the highway where there is also limited visibility and on the transition onto the main road. The presence of the egg packing plant to the north of the site also results in HGVs using the road on a regular basis adding great conflict.

This revised application does include a proposal to widen the road, and to the north near the access there is potential to widen it to 6m, however much of the widening is less than this and

although the Revised Highway Technical Note states that 4.1m allows two cars to pass this width does not allow a car and a HGV to pass and does not take into account the conflict with any pedestrians present on the shared surface, or the close proximity of the buildings that divers will naturally avoid and so be more central in the road. The narrow pinch point will remain.

The trip rates per dwelling are forecast to be significantly lower in this application than in the 2017 application. In a rural area the highway authority would expect that there would be greater reliance on the car and therefore that the approved trip rates in application UTT/17/2499 are more representative. While the application provides information on the generation of vehicular trips it does not include pedestrian and cycle trip generation. The comparison of vehicular trip rates is provided below.

UTT/17/2499 proposed trip rates

Table 6.1: Trip rates – Houses Privately Owned

Trip Rate	Morning Peak (08:00-09:00)			Evening Peak (17:00-18:00)			Daily (12hr)		
	In	Out	Total	In	Out	Total	In	Out	Total
Houses Privately Owned (per dwelling)	0.181	0.427	0.608	0.414	0.168	0.582	2.396	2.342	4.738

Source: TRICS

UTT/22/1261/FUL proposed trip rates

Table 2.1: Trip Rates and Trip Generation – Houses Privately Owned

Trip Rate	Morning Peak (08:00-09:00)			Evening Peak (17:00-18:00)		
	In	Out	Total	In	Out	Total
Houses Privately Owned (per dwelling)	0.154	0.192	0.346	0.205	0.090	0.295

The revised application proposes a foot/cycle connection to the village via an existing PROW. This will be of benefit but there will still be a need for residents of the new development and existing residents to use Mill Lane to access facilities, including the bus stops. Details ownership have not been provided.

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

The applicant has not demonstrated that safe and suitable access for all users can be achieved in this location for the following reasons:

1. The proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility. Mill Road has limited width and visibility, at points it falls below 4m in width, not allowing two cars to pass. The proposed widening has not been safety audited and cannot address the narrowest pinch point and so pedestrians,

cyclists and vehicles all share a limited space which could lead to conflict and adversely impact on pedestrian and cycle safety.

2. There is insufficient information to demonstrate that safe and suitable access for all users can be achieved to the application site with specific regard to the following:
 - a. The proposed changes to the highway including the widening of parts of Mill Lane, the access and proposed pedestrian/cycle connection and crossing point have not been safety audited.
 - b. No evidence of land ownership has been provided to show that the widening of the PROW can be delivered and that the visibility splays at each end can be provided within the highway or land in control of the applicant. The visibility splays are likely to require clearance of vegetation.
 - c. No detail of the how the widening would be constructed and delivered especially in relation to the proximity of the buildings to the south of Mill Lane, the provision of margins for maintenance and/or stand off from physical restraints eg overhanging guttering, opening windows etc: forward visibility for the bends, in accordance with the methodology required by MfS have been provided. The proposed different types/colours of surfacing on the road are unlikely to be acceptable.
 - d. The daily generation of vehicular, pedestrian and cycle trips has not been provided and vehicular trip rates are not consistent with previous applications for this site agreed by the highway authority.

The proposal is therefore contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Gen 1 of the Uttlesford Local Plan 2005. It is also contrary to NPPF paragraph 110 and 112.

F Masnie

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

Your Ref: UTT/22/1261/FUL
Our Ref: HT/SD/RMc/26093
Date: 06/10/2023



CC (by email): Cllr Barker
Essex Highways Development Management
Travel Plan team

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Recommendation

Application No.	UTT/22/1261/FUL
Applicant	Mr W. I Bampton Pelham Structures Ltd 4 Brices Yard Butts Green Langley Upper Green Clavering CB11 4RT
Site Location	Land To The West Of Mill Lane Hatfield Heath
Proposal	The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.

This application was accompanied by a Transport Assessment (dated 25.04.2022) and two technical notes (dated 04.11.2022 and 01.06.2023) which have been reviewed by the highway authority in conjunction with several site visits and internal consultations.

Further to our last response (dated 10.01.2023), amendments have been made to the scheme in response to the concerns raised. A Stage 1 Road Safety Audit has been undertaken on the whole highway works package and an alternative route for pedestrians is provided such that pedestrians, cyclists and vehicles need not share the carriageway of Mill Lane (which will also be widened).

The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021, in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. vehicle routing,
 - b. the parking of vehicles of site operatives and visitors,
 - c. loading and unloading of plant and materials,
 - d. storage of plant and materials used in constructing the development,
 - e. 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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 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 road junction 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 road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation of the development, visibility splays at the junctions of the all-weather link with the existing bridleway of Mill Lane (bridleway 9, Hatfield Heath 297) and the improved public right of way to Home Pastures (footpath 12, Hatfield Heath 297) shall be provided as shown in principle on drawing ITB11347-GA-012 Rev F. Such visibility splays shall be retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between the users of the highway, bridleway and pedestrians/cyclists accessing the development in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to development above slab level, details to be submitted to the local planning authority of the all-weather link from the access road to bridleway 9 (Hatfield Heath 297) and through to Home Pastures (along existing footpath 12, Hatfield Heath 297) as shown in principle on drawings no. ITB11347-GA-012 Rev G and 571x02 Rev C including, but not limited to: provision of an all-weather surface suitable for pedestrians and cycles, vegetation management, and the necessary order/agreement to allow cycle movements, to be considered and approved in consultation with the highway authority.

Reason: To make adequate provision for safe and suitable access to site for pedestrians and cyclists in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Prior to occupation of the development, the highway works shown in principle on drawing no. ITB11347-GA-012 Rev G are to be provided entirely at the developer's expense. These works shall include, but not be restricted to, the following:
 - a. Widening of Mill Lane, maintaining a minimum 0.45m clearance from existing buildings
 - b. Resurfacing of Mill Lane from Stortford Road to site access, including full depth construction/re-construction where required
 - c. Improvements to the existing access to site from Mill Lane
 - d. Provision of footway and amendments to kerb radii at junction of Mill Lane with Stortford Road
 - e. Provision of all-weather surfaced link to Home Pastures

Reason: To make adequate provision within the highway for vehicular traffic, pedestrians and cyclists as a result of the proposed development ensuring safe and suitable access to site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling/unit, for sustainable transport, approved by Essex County Council (packs for residential dwellings to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

7. The proposed development shall not be occupied until such time as the vehicle parking provision indicated on the approved plans has been hard surfaced, sealed and marked. The vehicle parking provision shall be retained at all times.

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

8. Prior to occupation of the development, a vehicular turning facility shall be constructed and surfaced and will be maintained free from obstruction within the site at all times.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

Informatives:

- (i) 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.
- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- (iii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.
- (iv) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the

highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

- (v) There shall be no discharge of surface water onto the Highway.
- (vi) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway



pp. Director of Highways and Transportation
Enquiries to Rachel McKeown
Email: [REDACTED]
Internet: www.essex.gov.uk

APPENDIX 2 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

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



Uttlesford District Council
Planning Services

Date: 16th June 2022
Our Ref: SUDS-006024
Your Ref: UTT/22/1261/FUL

Dear Sir/Madam,

Consultation Response –UTT/22/1261/FUL – Land West of Mill Lane, Hatfield Heath CM22 7AA

Thank you for your email received on 26/05/22 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

The submitted documents are contradictory. Drawing 025/2016/01 P2, "Proposed Surface and Foul Water Drainage Layout" shows a completely different site and drainage layout from the plans included in the Flood Risk Assessment and Drainage Strategy document. Please confirm the details on which we are required to comment.

In the event that more information were to be supplied by the applicants, 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,

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

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

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

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

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

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

- Sustainability of the development

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

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



Nathan Makwana
Uttlesford District Council
Planning Services

Date: 14th July 2022
Our Ref: SUDS-006024
Your Ref: UTT/22/1261/FUL

Dear Sir,

**Consultation Response –UTT/22/1261/FUL – Land West of Mill Lane, Hatfield Heath
CM22 7AA**

Further to my letter of 16/06/22, the SuDS team has received additional information which provides this Council with the opportunity to re-assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- Matched greenfield run-off rates are acceptable when restriction to 1 in 1 year rates for all events is not possible. Please demonstrate why this is the case. Alternatively demonstrate that the rates calculated represent at least a 50% improvement on existing brownfield rates.
- Please provide details of the connection of impermeable areas to the proposed bioremediation features and the swales to demonstrate the connectivity of the treatment train.
- Please provide detailed engineering plans of the drainage layout including location of all features, piped connections, exceedance routes, FFLs and discharge location, as required by the ECC SuDS Design Guide of 2020.

In the event that more information were to be supplied by the applicants, 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 faithfully,

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

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help

prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- Sustainability of the development

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

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



Nathan Makwana
Uttlesford District Council
Planning Services

Date: 10th November 2022
Our Ref: SUDS-006024
Your Ref: 22/1261/FUL

Dear Sir,

Consultation Response –22/1261/FUL– Land West of Mill Lane, Hatfield Heath

Thank you for your email received on 07/11/22 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 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:

- Matching discharge rates to existing greenfield rates for the 1 in 1 year, 1 in 30 year and the 1 in 100 year rate plus 40% allowance for climate change

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

The scheme shall subsequently be implemented prior to occupation

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- Notwithstanding that the watercourse crossing the site lies within the application boundary, consent may still be required from the LLFA under Section 23 of the Land Drainage Act 1991 to carry out the proposed modifications.
- Clarification will be required of the modelling outputs for the final discharge from the site
- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not

required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures

[Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

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

applicant should seek consent where appropriate from other downstream riparian landowners.

- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours faithfully,

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

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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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.

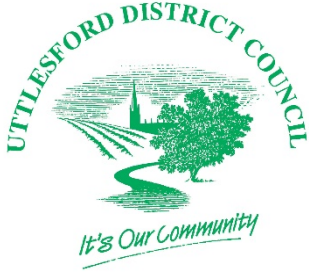
Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- 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.



-----Original Message----- From: Suds Sent: Thursday, September 14, 2023 3:11 PM To: Planning Subject: [External] >>
RE: Planning Application Consultation - UTT/22/1261/FUL MARKS (SUDS-006024) Dear Mark I have reviewed the documents submitted in the Uttlesford Planning Portal, and can find nothing which would impact on the drainage of the site. I confirm therefore, that our formal response of 10/11/22 remains as our position. Regards Richard Atkins
Development and Flood Risk Officer Green Infrastructure and Sustainable Drainage Climate Adaption and Mitigation,
Environment & Climate Action Essex County Council email: [REDACTED] | <https://protect-eu.mimecast.com/s/ggIgCgJZocq3AQINp14J?domain=essex.gov.uk> -----Original Message----- From: planning@uttlesford.gov.uk Sent: 21 August 2023 11:59 To: Suds Subject: Planning Application Consultation - UTT/22/1261/FUL MARKS (SUDS-006024) CAUTION: This is an external email. Please See Attached



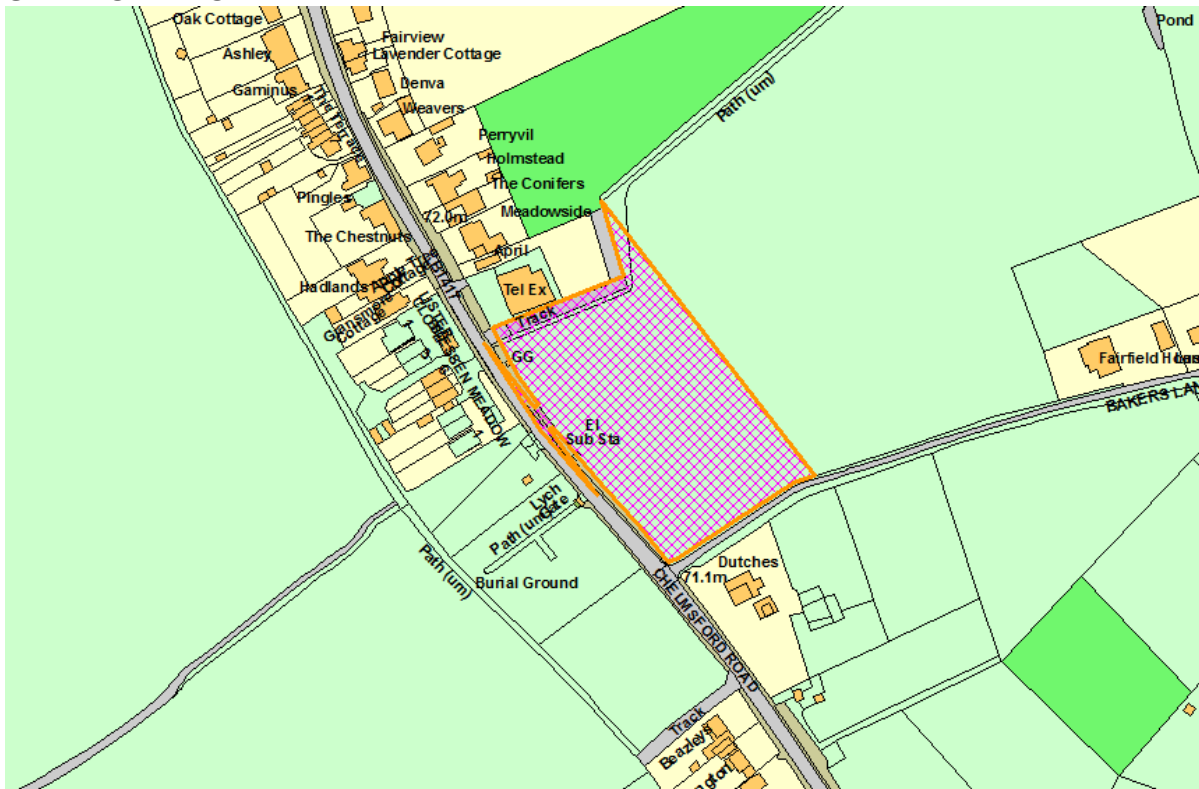
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 25th October 2023

REFERENCE NUMBER: UTT/22/3513/FUL

LOCATION: Land East of Chelmsford Road, Felsted, Essex

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 010018688
Organisation: Uttlesford District Council Date: 9th October 2023

PROPOSAL: A mixed-use development comprising a relocated and improved village convenience store, incorporating a Post Office, together with area for farmers market, cafe, three first floor offices with dedicated parking facilities and multi-use overspill area. Together with nine dwellings comprising a 1-bedroom apartment, two 2 bedroom houses, two 3 bedroom apartments, two 4 bedroom semi-detached houses, one 4 bedroom detached house, and a 5 bedroom chalet style bungalow with dedicated 2m footpath routes

APPLICANT: Linsells Of Felsted And Felsted Place Limited

AGENT: Mr Nigel Tedder

EXPIRY DATE: 17.02.2023

EOT EXPIRY DATE: 02.09.2023

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Tree Preservation Order - Reference Number: 2/85/52 - Category: 65 [Tree Type: Oak]
Mineral Safeguarding Area - Description: Sand/Gravel
Essex Coast RAMS

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 This outline planning application is for the erection of up to 7 no. new dwellings with all matters reserved except access.

1.2 It comprises of an irregular shaped approximately 2-acre parcel of land located outside the development envelope situated to the south of Felsted.

1.3 This proposal would make use of previously undeveloped agricultural land and contribute 9 no. new dwellings towards the Local Planning Authority's 5YHLS, along with additional employment benefits.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **REFUSE** for the reasons set out in section 17 of this report.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application relates to Land East of Chelmsford Road, located outside the development limits of Felsted.
- 3.2** It comprises an irregular shaped approximately 2-acre parcel of agricultural land.
- 3.3** The land in question is open and grade 2 in the context of agricultural land classification and as such, this is described as been a very good quality agricultural land.
- 3.4** The site already benefits from vehicular access onto Chelmsford Road.
- 3.5** The proposed site is located within flood zone 1, which has a low probability of flooding from rivers and the sea.
- 3.6** It is noted that most developments that are less than 1 hectare (ha) located in flood zone 1 do not need a flood risk assessment (FRA) as part of the planning application.
- 3.7** There is 1 no. tree in that vicinity of the site with a tree preservation order on it. This is located to the southern boundary of the site adjacent to the existing road.
- 3.8** The site is bound to by open countryside to the north, with a telephone exchange located to the west, with additional dwellings located opposite the road to the south along with a cemetery.

4. PROPOSAL

- 4.1** The proposal relates to a mixed-use development comprising a relocated and improved village convenience store, incorporating a Post Office, together with area for farmers market, cafe, three first floor offices with dedicated parking facilities and multi-use overspill area.
- 4.2** Together with nine dwellings comprising a one 1-bedroom apartment, two 2-bedroom houses, two 3-bedroom apartments, two 4-bedroom semi-detached houses, one 4-bedroom detached house, and a 5-bedroom chalet style bungalow with dedicated 2m footpath routes.
- 4.3** The commercial element would contain;
Village Store (430sqm, tradable 278sqm)
Office one (64sqm)
Office two (64sqm)
Office three (53sqm)

Café (57sqm)
Total= 668sqm

4.4 Residential element would contain:

1 x 1-bedroom apartment
2 x 2-bedroom houses
2 x 3-bedroom apartments
3 x 4-bedroom houses
1 x 5-bedroom chalet bungalow
Total = 9 dwellings

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
Not Applicable		

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Pre-application advice has not been sought on the application and the Local Planning Authority are not aware of a consultation exercise carried out by the applicant.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No comments received

8.4 Local Flood Authority

8.4.1 No comment to consultation request

9. PARISH COUNCIL COMMENTS

- 9.1**
- Felsted Parish Council strongly objects to this application.
 - The proprietor of the existing village shop (Linsell's) does not support this application and has asked to be disassociated from it.
 - With no recorded contractual arrangement between the applicant and the proprietor of the existing village shop and Post Office, there can be absolutely no guarantee that a new shop in this location would operate as a food/general convenience store.
 - Without any confirmation that the existing village shop and Post Office would transfer to this site, there is no realistic expectation that a second Post Office permit would be granted.

- UDC's 2018 SLAA status concluded that "The site is considered unsuitable as it would lead to a coalescence of Felsted and Causeway End and would not contribute to a sustainable pattern of development".
- Contrary to repeated implied claims in the applicants "Design & Access Statement" the Felsted Neighbourhood Plan does not support this location.
- The site is outside the VDL's and is therefore contrary to UDC Policy S7.
- The location would necessitate an increase in local residents driving through the T junction in the VDL, thus increasing congestion contrary to the requirements of FNP Policy FEL/HVC5
- The site is directly opposite and threatens to disrupt an important place of internment and contemplation.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

- 10.1.1** *"The site is 0.9 hectares there is a 40% affordable housing policy requirement which equates to 4 properties. Given the proposed mixed use of the site the applicant may want to consider an off-site contribution for the affordable housing provision rather than direct delivery of affordable housing upon the site."*

10.2 UDC Environmental Health

- 10.2.1** No objections subject to the imposition of conditions regarding:
- Submission of a Noise Mitigation Scheme.

10.3 UDC Landscape Officer/Arborist

- 10.3.1** No comment.

10.4 Place Services (Ecology)

- 10.4.1** No objections subject to the imposition of conditions regarding:
- Development to be in accordance with the ecology appraisal.
 - Submission and approval of biodiversity enhancement layout.
 - Submission of a Wildlife Sensitive Lighting Design Scheme.

10.5 Place Services (Archaeology)

- 10.5.1** No objections subject to the imposition of conditions regarding:
- Archaeological programme of trial trenching and excavation.

10.6 Crime Prevention Officer

10.6.1 *“Whilst there are no apparent concerns with the layout to comment further we would require finer detail such as the proposed lighting, boundary treatments and physical security measures.”*

10.7 Anglian Water

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

With regard to the wastewater network and sewage treatment works infrastructure capacity. Thames Water would not have any objection towards this planning application subject to conditions being stipulated that would, based on the information provided.

10.7.2 Therefore, subject to conditions regarding:

- A scheme for on-site foul water drainage works.
- The submission of a surface water management strategy.

Subject to the information being submitted, Anglian Water would not raise an objection.

11.1 A site notice was displayed on site and 61 notifications letters were sent to nearby properties.

11.2 Support

11.2.1 Not applicable

11.3 Object

- 11.3.1**
- Increased traffic
 - Highway safety
 - Increased pollution
 - No affordable housing
 - Impact on environment
 - Character of the area
 - Detrimental impact on social structure
 - Detrimental impact on governance
 - Inappropriate usage
 - Insufficient water pressure
 - Insufficient sewage treatment
 - Potential site of historical significance
 - Impact on the neighbours

- Speed limit not adhered to
- Overdevelopment
- Does not follow the Neighbourhood Plan
- GP Surgery cannot cope
- No need for additional cafes, farmers markets, post office and shop.
- Countryside setting
- Request that the name "Linsells of Felsted" be removed from this application
- The applicant does not have the right to use said trading name
- No site notice displayed
- Not received letter informing residents of proposal
- Parking problems on the lane
- Light pollution
- Lack of a study demonstrating a need for commercial space
- Lack of access into agricultural fields
- Unlit road
- Proximity to conservation area
- Ridge height of shop/buildings
- Poor quality plan
- Lack of bicycle parking
- Increase in criminal activity
- Increased flooding
- Drainage
- Distance to a bus route
- Urban infill
- Lack of school spaces
- Conflict of interests

11.4 Comment

- 11.4.1**
- The required statutory consultations have been made.
 - The material consideration will be considered in the following report.

12. MATERIAL CONSIDERATIONS

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

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

- a) The provisions of the development plan, so far as material to the application:
 - (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 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 (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN6	Infrastructure Provision
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H1	Housing development
	H9	Affordable Housing
	H10	Housing Mix
	E1	Distribution of Employment Land
	E3	Access to Workplace
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV10	Noise Sensitive Development
	ENV11	Noise generators

ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Felsted Neighbourhood Plan

- 13.3.1** FEL/HN1– Meeting Housing Needs
 FEL/HN5 – Residential Development Outside Development Limits
 FEL/HN7 – Housing Mix
 FEL/HVC2 – Existing Village Shop and Post Office
 FEL/ICH 1 – High Quality Design
 FEL/ICH3 – Light Pollution
 FEL/ICH4 – Avoiding Coalescence
 FEL/RE4 – Home Working
 FEL/CW1 – Landscape and Countryside Character
 FEL/CW3 – Footpaths, Bridleways and Cycleways

13.4 Supplementary Planning Document or Guidance

- Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and 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) Design, Layout, Scale and Appearance**
 - C) Impact on Neighbours and Amenity**
 - D) Highways Authority and Parking Standards**
 - E) Flood Protection**
 - F) Environmental Health**
 - G) Ecology**
 - H) Accessibility**
 - I) Landscaping**
 - J) Planning Balance**

14.3 A) Principle of Development

14.3.1 The site is located outside the defined Development Limits of Felsted and therefore in the countryside for the purposes of the Local Plan. The proposal conflicts with the restrictive approach to housing development in the countryside advocated by Policy S7. However, this policy is partially compliant with the National Planning Policy Framework (NPPF) which is more permissive and seeks to promote sustainable development, accepting that there are differences in the level of sustainability between

countryside and town locations. The policy has consistently been found to have moderate weight at appeal.

14.3.2 The National Planning Policy Framework (NPPF 2023) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.3 In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.4 The National Planning Policy Framework is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or 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:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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 policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

14.3.5 The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14, this figure does include the necessary 5% buffer. That said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still likely to be engaged, depending on the specifics of the development proposed.. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

14.3.6 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.

14.3.7 *Sustainable Development:*

There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.

14.3.8 *The Countryside:*

The application site is outside defined development limits and is therefore deemed to be in the countryside. Policy S7 of the Uttlesford Local Plan states that the countryside will be 'protected for its own sake', that 'development in the countryside will be strictly controlled', and that 'permission will only be given for development that needs to take place there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

14.3.9 Policy S7 takes a more protective approach to countryside development, unlike NPPF's positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly

controlled, and isolated houses will need exceptional justification (para 80).

14.3.10 Felsted Neighbourhood Plan:

The Felsted Neighbourhood Plan was made on the 25th February 2020, this plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

The appropriate sections of this Neighbourhood Plan to take into consideration are listed below:

- 14.3.11** FEL/ICH 1 – High Quality Design
- FEL/ICH3 – Light Pollution
- FEL/ICH4 – Avoiding Coalescence
- FEL/RE4 – Home Working
- FEL/CW1 – Landscape and Countryside Character
- FEL/CW3 – Footpaths, Bridleways and Cycleways

14.3.12 FEL/HN1– Meeting Housing Needs

The following sites are allocated for housing development of approximately 63 new homes within the Plan period:

- FEL/HN2: Sunnybrook Farm Site (approximately 24 units).
- FEL/HN3: Bury Farm Site (approximately 39 units).

14.3.13 FEL/HN5 – Residential Development Outside Development Limits

Residential development proposals demonstrating safe and suitable access, and being accompanied by a Transport Statement/Assessment, as appropriate, in accordance with the ECC Development Management Policies (2011), outside the Local Plan Village Development Limits shown on Maps 12, 13, 14, 15 and 16 will be supported where one or more of the circumstances set out in paragraph 79 of the National Planning Policy Framework apply or in the following circumstances:

- Rural Exception Housing, subject to the types of dwellings being provided being consistent with the needs identified in an up to date professionally assessed housing needs survey for the parish and subject to homes being allocated in perpetuity to those with a strong connection on a hierarchical cascade basis to Felsted Parish;
- Limited market housing required to enable the delivery of rural exception Affordable housing;
- Replacement dwellings where the size of replacement dwellings is dealt with on a site by site basis in line with Local Plan policy (See Adopted Plan 2005 Policy H7 – Replacement Dwellings and Emerging Local Plan (Reg 19) Policy H4);
- Supplemental residential dwellings in line with Policy FEL/HN6;

- Development allowed in exceptional circumstances on the edge of the VDLs by other policies in this plan (SC4 and SC6) where the community has been actively engaged, via the provision of a development brief and where exceptional benefits to the community (including delivery of infrastructure requirements identified in this Plan) can be clearly demonstrated; or
- Sites allocated in this plan (HN2, HN3).

14.3.14 FEL/HN7 – Housing Mix

New housing development will be supported where it provides:

- two-bedroom or three-bedroom accommodation suitable for young families; or
- homes suitable for older people that can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs; or
- other types of accommodation identified in the latest assessment of local housing needs; and/or
- affordable housing.

Major Development proposals must be accompanied by an up-to-date housing needs assessment where one has not been conducted by a reputable source within the last 3 years to demonstrate how the development will meet local housing need.

14.3.15 FEL/HVC2 – Existing Village Shop and Post Office

The relocation of the village shop and Post Office to an alternative site within the Felsted Neighbourhood Area to a location no less accessible to users and which will not necessitate on street parking will be supported.

In the event that the village shop and Post Office are vacated, change of use from Class A1 (Shops and retail outlet) to Class A3 (Food and drink), A2 (Professional Services), Class B1 (Business) and/or residential use on the site (shown on Map 3) will be supported.

Proposals must be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) to demonstrate that they will not exacerbate existing traffic congestion and parking issues at this location.

14.3.16 FEL/ICH 1 – High Quality Design

To be supported all development proposals must respect the character and heritage of the Neighbourhood Area and bring about enhancements to that character. This means for all development:

- Sustaining, reinforcing or enhancing the positive aspects of Felsted's character as described in detail in the Felsted Heritage and Character Assessment and summarised in supporting text to this policy;
- Being locally distinctive through architectural quality, choice of materials, height, scale and layout;
- Maintaining and respecting visual integrity of the historical settlement patterns and identities within the Parish; and
- Sensitive boundary treatment retaining where possible vegetated boundaries particularly those of native hedgerows and trees and incorporating boundary treatments that are sympathetic to local style and vernacular.

Development proposals that follow the 'energy hierarchy' in reducing energy demand before implementing renewable energy, or make the most of solar gain and passive cooling through the orientation, layout and design of the development will be supported.

The installation of EV charging points infrastructure (active or passive) in all developments (domestic and commercial) with parking facilities will be supported.

For countryside locations:

- Sensitive treatment of the rural edge particularly around Felsted village with regard to impact on heritage assets and their setting including the surrounding landscape;
- All new build proposals outside the development limits must not harm their landscape setting; and
- Any replacement dwelling in an area of low density and isolated buildings in a large plot should respond to and respect the setting and should enhance the character of the area.

For the Conservation Area:

Preserving or enhancing the heritage significance of the Conservation Area itself (including its setting) and the individual heritage assets within them (including their setting) and demonstrating due regard to the Felsted Conservation Area Character Appraisal.

14.3.17 FEL/ICH3 – Light Pollution

To be supported planning proposals:

- must not introduce overhead cables that will have an adverse effect on visual amenity; and
- only include external lighting that is essential, and include measures to avoid light spillage beyond the application site.

14.3.18 FEL/ICH4 – Avoiding Coalescence

Development proposals that, as viewed from publicly accessible locations, will visually significantly diminish the openness of the gap:

- between Felsted village and the hamlets of the Neighbourhood Area (Bannister Green; Bartholomew Green; Causeway End; Cobblers Green; Cock Green; Crix Green; Frenches Green; Gransmore Green; Hartford End; Molehill Green; Prior's Green; Pye's Green; Thistley Green; Watch House Green; Willows Green); or
- between the hamlets of the Neighbourhood Area; or
- between the hamlets of the Neighbourhood Area and settlements in adjoining parishes will not be supported.

14.3.19 FEL/RE4 – Home Working

Development that enables home working will be supported where it does not change the overall character of the property's use as a residential dwelling, remains an ancillary use, and does not harm local residential or visual amenity.

14.3.20 FEL/CW1 – Landscape and Countryside Character

To be supported development proposals must protect and enhance the landscape of the character area in which they are situated, and must not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017.

14.3.21 FEL/CW3 – Footpaths, Bridleways and Cycleways

Any new development on or adjacent to an existing Public Right of Way or which is clearly visible from a Public Right of Way must consider the appearance of the proposal from the Right of Way and incorporate green landscaping to reduce any visual impacts.

Enhancements or extensions to the network, for example through improving accessibility or connectivity, will be supported and may be required where a scheme is likely to increase usage.

14.3.22 ***Applying policy S7 tests in conjunction with paragraph 8 of the NPPF for the Commercial Development:***

14.3.23 Economic objective:

The proposal will potentially provide 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.

14.3.24 Social objective:

The site is in close proximity to Felsted where there are a number of shops, services and bus stops.

- 14.3.25** Environmental objective:
The proposal seeks to make more efficient use of the land, it provides a number of biodiversity gains.
- 14.3.26** ***Applying policy S7 tests in conjunction with paragraph 8 of the NPPF for the Residential Development:***
- 14.3.27** Economic objective:
The proposal will potentially provide 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.
- 14.3.28** Social objective:
For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) 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 located to the south of Felsted, and as such, although not ideally positioned, it is not isolated. 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 on this occasion.
- 14.3.29** For the 'proximity to services' the location is not considered to be inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are available within the village of Hatfield Heath. Although the new dwellings, village shop and farmers market would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that there are a number of bus stops located within the vicinity of the site. These stops are:
- 14.3.30** 2 no. Bus stops (Felsted, Riche Close) approximately 230m away by road.
There are 4 buses a day between Wethersfield - Chelmsford as of (1st Sept 2022) run Monday-Saturday.
- 14.3.31** 2 no. Bus stops (Felsted, Church) approximately 450m away by road.
There are 4 buses a day between Wethersfield - Chelmsford as of (1st Sept 2022) run Monday-Saturday.
- There are regular hourly bus services between Stansted Airport – Braintree as of (11th Dec 2022) run Monday-Sunday.
- 14.3.32** Therefore, the proposal accords with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).
- 14.3.33** Environmental objective:
The proposal seeks to make more efficient use of the land and provide housing towards the housing shortfall.

Felsted Neighbourhood Plan:

14.3.34 Applying Policy FEL/HN1 tests:

Criterion i): The site is not located within an allocated site for housing.

Criterion ii): The site is not located within an allocated site for housing.

14.3.35 Applying Policy FEL/HN5 tests:

Criterion i): The site is not a Rural Exception Site.

Criterion ii): Not Applicable.

Criterion iii): Not replacement dwellings.

Criterion iv): Not Applicable.

Criterion v): No Exceptional Circumstances have been demonstrated.

Criterion vi): Not Applicable.

14.3.36 Applying Policy FEL/HN7 tests:

Criterion i): The proposal incorporates 2 no two-bedroom dwellings and 3 no three-bedroom apartments.

Criterion ii): The dwellings would be built to M4(2) standards.

Criterion iii): Not Applicable.

Criterion iv): Not part of this proposal, but an offsite affordable housing contribution would be required.

14.3.37 Applying Policy FEL/HVC2 tests:

The relocation of the village shop and Post Office to an alternative site is considered to be further away from the current location. However the proposal would provide parking in order that on street parking is not required.

14.3.38 Applying Policy FEL/ICH1 tests:

Criterion i): The site is not a Rural Exception Site.

Criterion ii): The site would be comparable to the existing dwellings adjacent to the site.

Criterion iii): Not Applicable.

Criterion iv): The proposal would seek to retain existing boundary treatments where possible and add additional vegetation.

Criterion v): The proposal would seek to retain existing boundary treatments where possible and add additional vegetation.

Criterion vi): Due to the sites location, the proposal will have an impact on the landscape setting.

Criterion vii): Not Applicable.

14.3.39 Applying Policy FEL/ICH3 tests:

Criterion i): Not evident within the proposal that overhead cables will be introduced.

Criterion ii): This can be secured via a condition.

14.3.40 Applying Policy FEL/ICH4 tests:

Criterion i): The proposal will diminish the large gap that currently exists between Felsted and Causeway End.

Criterion ii): Not Applicable.

Criterion iii): Not Applicable.

14.3.41 Applying Policy FEL/RE4 tests:

The proposal seeks to provide dedicated office space within the development in order to aid people working from home.

14.3.42 Applying Policy FEL/CW1 tests:

The proposal does not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017.

14.3.43 Applying Policy FEL/CW3 tests:

The proposal will be highly visible from the Public Right of Way network.

The proposal seeks to enhance the links to the Public Right of Way network.

14.3.44 The size of the proposal if it was purely residential would attract an affordable housing contribution, however as the proposal is for a mixed usage, and the size of the residential is smaller than the trigger, it would not require a contribution.

14.4 B) Design, Layout, Scale and Appearance

14.4.1 Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

14.4.2 Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.

14.4.3 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.4.4 The second criterion is that the development should safeguard important environmental features in its setting.

14.4.5

Plot no.	No of Bedrooms	Footprint (m2)	Eaves height (m)	Ridge height (m)	Building width at widest point (m)	Building depth at deepest point (m)
Plot 1	4	GF – 102m2 FF – 106m2	5.3m	9.1m	22.3m	14.9m
Plot 2	2	GF – 70m2 FF – 57m2	5.3m	9.1m	Part of Plot 1 building	
Plot 3	2	GF – 70m2 FF – 58m2	5.3m	9.1m	21.7m	15.2m
Plot 4	4	GF – 70m2 FF – 98m2	5.3m	9.1m	Part of Plot 3 building	
Plot 5	4	GF – 115.5m2 FF – 101m2	5.3m	8.7m	10.3m	13.8m
Plot 6	5	GF – 135.5m2 FF – 47m2	2.7m	6.9m	12.5m	14.1m

14.4.6

Apartment 1	3	FF – 148m2 Roof Terrace – 56m2	6m, 3.8m & 2.9m	10.7m	Part of shop building	
Apartment 2	3	FF – 133m2 Roof Terrace – 56m2	6m, 3.8m & 2.9m	10.7m	Part of shop building	
Apartment 3	1	GF – 10m2 FF – 53m2	5.3m	9.1m	Part of Plot 3 building	

14.4.7

Office 1	n/a	FF – 90m2	3m	6.7m 7.7m to ridge of dovecot	23m	8.5m
Office 2	n/a	FF – 90m2	3m	6.7m 7.7m to ridge of dovecot	23m	8.5m
Office 3	n/a	GF – 9m2 FF – 53m2	5.3m	9.1m	Part of Plot 1 building	

14.4.8

Shop	n/a	GF – 510m2	6m, 3.8m & 2.9m	10.7m	22.2m	33m
Café	n/a	85m2	2.7m	5.3m to ridge, 7m to clock tower	14.5m	6.8m

14.4.9

Garages Plot 1, 3 & Office 3	n/a	70m ²	2.8m	5.5m	9.6m	7.3m
Garages Plot 1, 3 & Office 3	n/a	70m ²	2.8m	5.5m	9.6m	7.3m
Garage Plot 6	n/a	46m ²	2.8m	5.4m	6.3m	7.3m

14.4.10 The residential dwelling side of the proposal would comprise of 1 no one-bedroom apartment, 2 no. two-bedroom houses, 2 no. three-bedroom apartments, 2 no. four-bedroom semi-detached houses, 1 no four-bedroom detached house and 1 no five-bedroom chalet style bungalow.

14.4.11 The commercial side of the proposal would comprise of village shop incorporating a post office, along with 3 no offices, an area for a farmers' market along with a café located to the front of the site.

14.4.12 It is noted that the proposal is substantial in scale, mass, density, form, height. In addition, given the position, location, design and appearance of the buildings, it is considered that when the proposals subject of this application are viewed from the, street scene, wider setting and adjacent PROW's, the proposal would be read as an incongruous and discordant addition to the locality.

14.4.13 The Essex Design Guide recommends that dwellings with 2 bedrooms should have private amenity spaces of 50m², 3-bedrooms should have 75m² and 4-bedroom and above should provide 100m².

14.4.14 Each plot would have sufficient garden amenity space in excess of the amenity standards to serve the property they serve.

14.4.15 The one-bedroom apartment doesn't appear to have any dedicated private amenity space, however there is a large amount of green space located within the site.

14.4.16 There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.

14.4.17 Each plot would have sufficient parking provision for the dwellings. There is also sufficient visitor parking provided across the development.

14.4.18 Referring to the vehicle tracking diagram located within the Design and Access Statement, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.

14.4.19 There are a mixture of styles in the locality, within the Design and Access Statement the agent has advanced reasoning that this proposal is an *"opportunity to extend the settlement boundary on the southern side of Felsted, in a similar manner to the opposite side of Chelmsford Road"*.

14.4.20 The range of materials presented are of a high quality, they would be considered to be acceptable and appropriate for the site's countryside setting if the principal of the development was acceptable.

14.4.21 Minimal trees and hedgerow are proposed to be removed under this application in order to safeguard the environmental features of the site.

14.4.22 The proposal is not considered to be of acceptable design, scale, mass, density, form, height. The proposal would therefore fail to comply with the requirements of Uttlesford Local Plan Policy GEN2.

14.5 C) Impact on Neighbours and Amenity

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

14.5.2 It is not considered that the application due to its size, scale and proposed usage would not result in any material detrimental overlooking, overshadowing or overbearing. Therefore, would not adversely impact on neighbour's amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

14.5.3 According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where:

- a) noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

14.5.4 In order to protect the site from over development and to protect the amenities of the neighbouring dwellings, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

14.5.5 No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2023).

14.6 D) Highways Authority and Parking Standards

14.6.1 Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.

- 14.6.2** In terms of impacts of the development upon the road infrastructure and highways safety, the Highways Authority at Essex County Council have been consulted. There comments are outstanding at the point of writing this report and will be reported via the late list.
- 14.6.3** With regards to parking provision, this is demonstrated on the supplied plans to meet the adopted Uttlesford parking standards.
- 14.6.4** With regards to residential parking provision, there is sufficient parking in order to meet the adopted Uttlesford parking standards.
- 14.6.5** 2 no. visitor parking spaces are demonstrated on the plans, visitor parking is 0.25 spaces per dwelling, as the proposal demonstrates 9 no. dwellings the proposal should ideally provide 2.25 parking spaces for visitors to avoid parking on the road.
There is overspill parking demonstrated on the proposal.
- 14.6.6** With regards to commercial parking provision, the application proposes the following:
- 8 no. spaces, 2 no. parent & child and 1 no. disabled space located to the front of the shop.
 - 3 no. disabled and 5 no. spaces indicated as shop parking to the east of the shop.
 - 8 no. spaces for the café.
 - 10 no. overspill/burial ground parking spaces.
 - 5 no. spaces to the west of the shop.
 - 9 no. parking spaces for the offices.
- 14.6.7** As such the proposal would meet the adopted minimum parking standards and does accord with Uttlesford Local Plan Policy GEN8.
- 14.6.8** It is therefore concluded that the proposal accords with Uttlesford Local Plan Policies GEN1 and GEN8.
- 14.7 E) Flood Protection**
- 14.7.1** The site is located within flood zone 1, due to the scale of the proposal a flood risk assessment has been submitted.
- 14.7.2** The Lead Local Flood Authority have been consulted. At the time of writing this report they have not commented on the application.
- 14.7.3** As such, the proposal accords with Uttlesford Local Plan Policy GEN3.
- 14.8 F) Environmental Health**
- 14.8.1** Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to conditions for the following:

- Submission of a Noise Mitigation Scheme.
- A Phase 1 Desk Study is undertaken and submitted to the Local Planning Authority along with any required remediation works required prior to any works commencing on site.
- The submission of a Demolitions and Construction Method Statement.
- The submission of a Construction and Demolition Management Plan.
- The Submission of an air quality assessment.
- External Lighting.
- The installation of electric vehicle charging points to minimise the impact of the development on the air quality of the area.

14.8.2 The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land in accordance with polices GEN4, GEN5, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

14.9 G) Ecology

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

14.9.2 Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are *“satisfied that there is sufficient ecological information available for determination”* subject to conditions securing biodiversity mitigation and enhancement measures.

14.9.3 Ecology are also supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.

These include:

- Development to be in accordance with the ecology appraisal.
- Submission and approval of biodiversity enhancement layout.
- Submission of a Wildlife Sensitive Lighting Design Scheme.

14.9.4 As such, the proposal as submitted would comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2023).

14.10 H) Accessibility

14.10.1 Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.11 H) Landscaping

14.11.1 In the interests of the appearance of the site and the surrounding area, a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the occupation.

14.11.2 Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

14.11.3 There are no landscaping objections towards this proposal as such it accords with ULP Policies GEN2 and ENV3.

14.12 J) Planning Balance

14.12.1 When considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Paragraph 11 (d) of the NPPF advises:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7) or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

14.12.2 Therefore, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause ‘*significantly and demonstrably*’ outweighs the potential positive outcomes of the development as a whole.

14.12.3 The area is covered by the Felsted Neighborhood Plan was made on 25 February 2020.

Positives:

- 14.12.4**
- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
 - Village shop/post office will create a small number of jobs within the district.
 - The addition of 9 no. new dwellings in this location it would contribute to the Local Planning Authority land supply shortfall, at this time the LPA is unable to demonstrate a 5-year land supply.
 - The proposal seeks to make more efficient use of the land.

Negatives:

- 14.12.5**
- Outside Development Limits.
 - Does not comply with the Felsted Neighbourhood Plan Policies FEL/HN1, FEL/HN5, FEL/HVC2, FEL/ICH1, FEL/ICH4, FEL/CW3.
 - Detrimental impact and harm to the rural character of the site.
 - Urbanising and domesticating the site unduly.

14.12.6 Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will not outweigh the negatives of the development as a whole.

14.12.7 The principle of development is therefore not considered to be acceptable and would not be in accordance with Uttlesford Local Polices Uttlesford Local Plan Policy S7 and the National Planning Policy Framework (2023)

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation:

16.2 The principle of the development is not acceptable to the Local Planning Authority It also fails to accord with the made Felsted Neighbourhood Plan.

16.3 The proposed he proposed design and scale of the development are not considered to be appropriate for this location.

16.4 No objections have been raised with regard to the impact on neighbouring dwellings.

16.5 The Highways Authority have no objection towards the proposal subject to conditions with any grant of permission, the parking on the site is acceptable.

16.6 The Lead Local Flood Authority (SuDS) have not responded towards the proposal.

16.7 No objections have been raised by Environmental Health.

16.8 Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.

16.9 The proposals would be constructed to Part M4(2) standards.

16.10 No landscaping objections have been raised.

16.11 On balance, when the proposal is weighed against the public benefits provided, the tilted balance would not be engaged. The proposal would not secure optimum use of the land with regard to the business and residential units.

17. REASONS FOR REFUSAL

- 17.1** By way of inappropriate design, scale, mass, density, form, height, it is considered that the proposal would cause harm to the character and appearance of the site and the surrounding countryside and thus fails to comply with policies S7, GEN2 of the Uttlesford Local Plan (2005), policies FEL/HN1, FEL/HN5, FEL/HVC2, FEL/ICH1, FEL/ICH4, FEL/CW3. of the Felsted Neighbourhood Plan and the National Planning Policy Framework (2023)



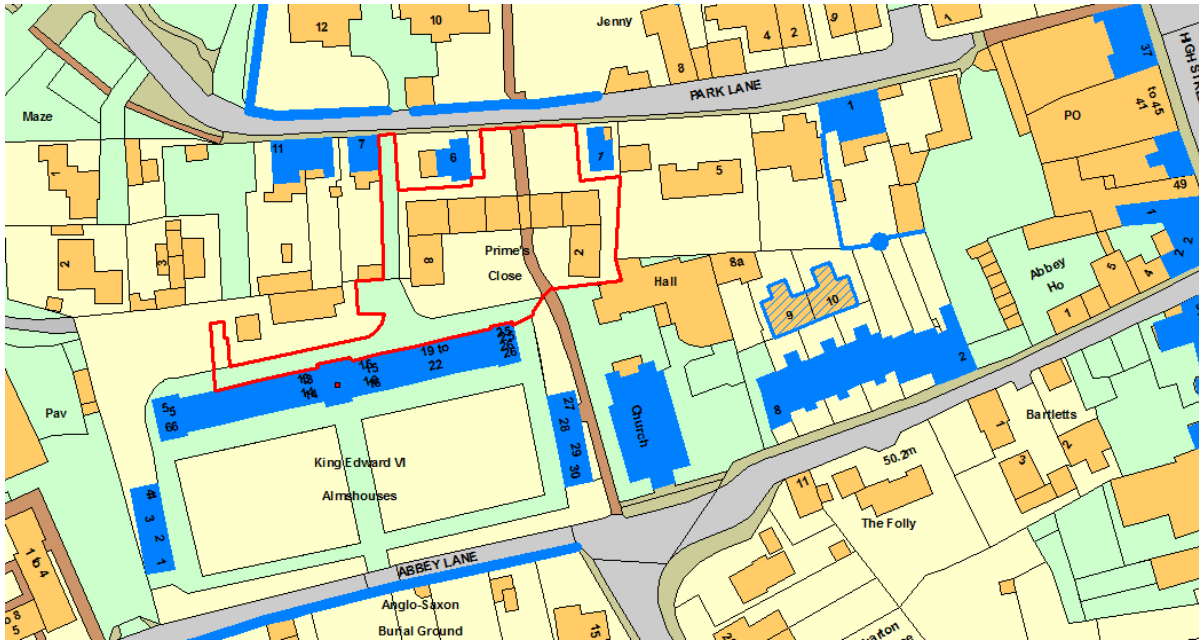
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 25 October 2023

REFERENCE NUMBER: UTT/23/0976/FUL

LOCATION: King Edward VI Almshouses
Abbey Lane
Saffron Walden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 11 September 2023

PROPOSAL: Demolition of existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert.

APPLICANT: KEVI Corporate Trustee Limited (Mr S Hasler)

AGENT: BB&C Architects Limited (Mr R McKinley)

EXPIRY DATE: 02 August 2023

EOT EXPIRY DATE: 30 October 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Within Development Limits.
Prime's Close (Non-designated Heritage Asset).
Within Conservation Area (Saffron Walden 1).
Setting of Listed Building (1 and 9 Primes Close – Grade II).
Setting of Listed Building (King Edward VI Almshouses Central Block and Chapel – Grade II).
Setting of Listed Building (King Edward VI Almshouses East Block – Grade II).
Setting of Listed Building (King Edward VI Almshouses West Block – Grade II).
Setting of Listed Building (7 Park Lane – Grade II).
Setting of Listed Building (9 and 11 Park Lane – Grade II).
Setting of Listed Building (Garden Wall of Walden Place – Grade II).
Setting of Listed Building (United Reformed Church – Grade II).
Within Archaeological Site (No. 0408).
Within Flood Zone 2.
Within Flood Zone 3.
Public Right of Way (Footpath).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. **EXECUTIVE SUMMARY**

- 1.1** This a full application for the demolition of an existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert. The application proposes 100% affordable units.
- 1.2** The development site is located within development limits where the principle of the residential use of the site is established. As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. The heritage balance of the proposed development tilts against the scheme, as the proposed development would fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area and would fail to preserve the setting, special interest and significance of several listed buildings, causing ‘less than substantial harm’. In addition, the proposed demolition of the existing building would harm the significance of the Conservation Area and result in the total loss of the significance of this non-designated heritage asset. The application of paragraphs 202 and 207 of the National Planning Policy Framework (2023) that protect designated heritage assets of particular importance provides a clear reason for refusing the proposed development, as per paragraph 11(d)(i) of the Framework. The principle of the proposed development and the principle of demolition of the existing non-designated heritage asset are not acceptable.
- 1.3** Insufficient information has been submitted with the application to demonstrate that the proposed development would not increase flood risk on the application site or elsewhere or that the operation of the proposed sustainable drainage systems would be effective. In addition, the proposed development would harm the living conditions of existing neighbouring occupiers and would provide sub-standard living conditions for its future occupants, to the detriment of their residential amenity. No appropriate mechanism to secure the necessary planning obligations has been provided. All other planning considerations have been tested and found to accord with national, local and neighbourhood plan policies.
- 1.4** The ‘Planning Balance’ has also been undertaken of the proposal against all relevant considerations. It has been concluded that the benefits of the development would not significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be refused.

2. RECOMMENDATION

REFUSE for the reasons set out in section 17.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site comprises a single storey building, containing 7 no. 2-bed almshouse units, located within development limits in Saffron Walden. The application building to be demolished is a non-designated heritage asset constructed in the early 1950s by A.E. Wiseman, who was a prolific Essex Architect known for a number of commissions undertaken for the Diocese of Chelmsford. The building is constructed of brickworks under a tiled roof. The site is within the Saffron Walden 1 Conservation Area with several Grade II listed buildings in the vicinity, including (nos. 1 and 9) Primes Close, King Edward VI Almshouses Central Block and Chapel, East Block and West Block, 7 Park Lane, nos. 9 and 11 Park Lane, the Garden Wall of Walden Place and the United Reformed Church. The site lies between Park Lane to the north and Abbey Lane to the south with residential and other uses in the vicinity. A public footpath runs north-south within the site, passing through the existing building and the courtyard to the north. Ground levels slope down northwards. The site is in close proximity to the town centre and underground contains part of the River Slade culvert. The overall area contains an urban character and appearance with dwellings and other properties of varying architectural styles, sizes, ages and materials, including a plethora of heritage assets.

4. PROPOSAL

4.1 This a full application for the demolition of an existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert. The application proposes 100% affordable units.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Acoustic report
- Bat survey report
- Brownfield run off
- Design and access statement
- Design and access statement Part 2
- Desk based archaeological study
- Energy statement
- Flood risk and drainage assessment
- Flood risk and drainage assessment – Appendices
- Greenfield run off
- Heritage statement
- Housing need assessment
- Planning statement
- Preliminary ecological appraisal
- Public benefit
- Schedule
- Sequential and exception tests

- Structural survey
- SUDS checklist
- SUDS supporting information
- Summary of public benefit
- Surveyor letter
- Response to heritage comments
- Response to heritage comments 2
- Cover letter
- Flood risk assessment / Drainage assessment
- Response to Environment Agency comments
- Revised technical note
- Updated LLFA technical assessment proforma.

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/22/1153/PA	Development of Primes Close to increase social housing provision.	Closed (18.01.2023)
UTT/18/3407/FUL	Demolition of one single storey building consisting of seven residential units '2-8 Primes Close' Construction of three new buildings consisting of 15 new residential units in total. Associated landscaping surrounding the new buildings, including: Improved public footpath through site, four additional parking spaces including two accessible parking spaces; cycle parking for eighteen bicycles.	Withdrawn (22.05.2019)
SWB/0005/48	New Almshouses and demolition of existing Almshouses.	Unconditional approval (10.09.1948)

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Following the withdrawal of the previous application (UTT/18/3407/FUL), pre-application advice was sought (UTT/22/1153/PA) from the local

planning authority, including specialist advice from Conservation. Although the pre-app scheme was not identical to the current application, the then case officer was clear that *“the proposal to replace the bungalows at Primes Close raises issues of how the bulk and massing of two storey at close proximity to two buildings comprised two flatted dwellings with windows at close proximity to the development proposed”* and that *“we would not support an application for development of this site to replace the bungalows with flats. [...] further work would need to be done by accredited professionals to show that the bungalows are beyond repair”*.

7.2 The Conservation officer, in the pre-app (UTT/22/1153/PA), raised concerns over the demolition of a building which is a non-designated heritage asset and makes a positive contribution to the Saffron Walden 1 Conservation Area, contrary to paragraphs 202, 203 and 207 of the NPPF. Conservation emphasised the requirement to the applicant to evidence that the existing building is beyond all viable means of repair and upgrading. Conservation also highlighted the problematic scale and massing of the proposed building, which would be higher at the ridge than the Primes Close cottages. This would harm the setting and significance of the nearby listed buildings and character or appearance of the Saffron Walden 1 Conservation Area.

7.3 The Localism Act 2011 requires pre-application consultation on certain types of planning applications in England. Prior to the current application, community engagement events with some of the relevant stakeholders were held:

- Almshouses residents: Drop-in sessions for the residents since 2021 and two information sessions in October 2022. The main concerns raised were about potential disruption during construction and funding mechanisms.
- Neighbours and locals: Drop-in information sessions over one weekend in October 2022 with a turnaround of 40-50 people, followed up by separate discussions with them in December 2022 and January 2023. The proposals were well received with very few negative comments, mostly about access for construction traffic, privacy issues and the potential loss of light. Most individuals who have been informed of the project, expressed a high level of support for the re-development including acknowledgment that an increase in the community at the Almshouses will be beneficial to the residents and positive for neighbours.
- Town Council: Presentation at their meeting on 05 December 2022. The proposals have been received positively and public benefits (such as the reduced flood risk due to the replacement of the culvert) acknowledged.
- UDC Housing executives: The Housing Portfolio and other executives have expressed their support.
- Lord Lieutenant of Essex: Visited in February 2022 and expressed support.
- Local Member of Parliament: Visited in October 2022 and expressed support.

- Almshouses Association: Visited in November 2022 and expressed support.

7.4 Full details of the applicant's engagement and consultation exercises conducted is discussed within the submitted Design and Access Statement (paragraph 4.7.7).

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 **Lead Local Flood Authority**

8.2.1 Holding objection as it has not been demonstrated that the proposed development would not increase flood risk on the site or elsewhere nor that the operation of the proposed SUDS would be effective. Essex County Council reported flaws in the updated Flood Risk Assessment, as well as the lack of appropriate information regarding the locations and details of the proposed SUDS features and the hydraulic modelling details that should include appropriately entered climate change mitigation values (see full response in Appendix 2).

8.3 **Environment Agency**

8.3.1 No objections subject to conditions (see full response in Appendix 3).

8.4 **Canal & River Trust**

8.4.1 No comments (see full response in Appendix 4).

9. **TOWN COUNCIL COMMENTS**

9.1 The Town Council raised concerns regarding the construction access at the site because the turning space is limited and close to the wall. It is also a pedestrian access route.

10. **CONSULTEE RESPONSES**

10.1 **UDC Housing Enabling Officer**

10.1.1 No objections as it would provide new affordable housing for those in housing need within Saffron Walden.

10.2 **UDC Environmental Health**

10.2.1 No objections subject to conditions.

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

10.3.1 Objections due to heritage harm to designated and non-designated heritage assets, including the building to be demolished the Saffron Walden 1 Conservation Area and several listed buildings in the vicinity of the application site.

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 Concerns over the proposed lighting features (i.e. bollards and wall mounted lamps) as these can increase the fear of crime, as well as on the security grounds and visitor control given that the proposed ground floor terraces open into publicly accessible space.

10.7 Stansted Airport Safeguarding Authority

10.7.1 No objections unconditionally.

10.8 Anglian Water

10.8.1 No objections subject to conditions.

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**
- Visionary project.
 - Almshouses play vital role in community.
 - Homes for those in need.
 - Affordable housing.
 - Charity mission part of heritage as much as the building.
 - Bungalows increasingly uninhabitable.
 - Improvement to Conservation Area.
 - Well thought plans.
 - Environment Agency reported culvert in need of repair.
 - Reduced flood risk to the town.
 - Studies show health benefits from living in Almshouses.
 - Increased security and community enhancement.

- Evolving needs.
- Existing bungalows modern.
- Unsuccessful attempts to resolve problems of buildings.
- Sustainable accommodation (renewables, low carbon, solar panels, insulation, etc.).
- Advertised vacancies receive great interest.
- Increasing need for such homes.
- Climate crisis.
- Minimised energy costs for occupants.
- Design against anti-social behaviour.
- Stable, sociable and satisfying homes.
- Enable charity to repair and replace the culvert.
- Construction should not obstruct access to developments in Park Lane.
- Potential damage to the gates of Edward Bawden Court.
- Negative impact of general layout on quality of life of residents.
- Increased noise and air pollution by additional parking.
- Soundproofing of existing flats necessary.
- Some units are vacant.
- Heritage harm concluded by Conservation incorrect.
- No views from Park Lane of rear elevation.
- Design not in keeping with surroundings.
- Extended tunnel will extend anti-social behaviour.
- Asymmetrical façade.
- Over-powering tower.
- Long distance from lift / no lighting.

11.3 Object

- 11.3.1**
- Loss of privacy and overlooking.
 - Frosted glass and fixed windows needed.
 - Supporters don't live close to development.
 - Inappropriate design.
 - French doors and balconies incongruous.
 - Too much for the area.
 - Detracts from surroundings.
 - Out of character.
 - Harm to listed buildings.
 - Overbearing impacts.
 - Utilitarian design to cram more people into a busy plot.
 - Replacement building could be single storey.

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 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, and to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 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 (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1

S1	Development limits for the Main Urban Areas
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H4	Backland development
H9	Affordable Housing
H10	Housing Mix
ENV1	Design of Development within Conservation Area
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV11	Noise Generators
ENV12	Protection of Water Resources
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Saffron Walden Neighbourhood Plan

13.3.1

SW1	Housing Mix on New Developments
SW2	Affordable Housing
SW3	Design
SW4	Parking on New Developments
SW11	Ecological Requirements for All New Domestic and Commercial Developments
SW12	Promoting Walking and Cycling
SW18	Public Rights of Way

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer’s contributions
Essex Design Guide
Uttlesford Interim Climate Change Planning 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) Heritage impacts and balance / Appearance, scale, layout, landscaping / Climate change
 - 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
 - L) Planning balance

14.3 A) Principle of development

14.3.1 The Council's October 2023 published land supply figure is **5.14 years**¹, this figure does include the necessary 5% buffer. That said the Council's (local planning authority, LPA) Development Plan cannot be viewed as being fully up to date, as such paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged, 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.

14.3.2 Location – Isolation:

Recent case law² 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 located within development limits in Saffron Walden. Paragraph 80 of the NPPF is not applicable.

14.3.3 Location – Services and facilities:

Saffron Walden offers a wide range of services and facilities, being one of the most sustainable towns in the district, including schools, GP surgeries, supermarkets and a vast range of commercial and professional premises and services. The nearest serviced bus stop (High Street stop – 4' walk) is 260m from the site and the nearest supermarket (Saffron Walden Costcutter – 2' walk) is 160m away. The nearest school (St Mary's

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

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

Primary School – 8’ walk) is 550m from the site and the nearest GP surgery (Gold Street surgery – 6’ walk) is 400m away. There are pedestrian footpaths both on Park Lane and Abbey Lane, lit, continuous and maintained, that link the application site to the bus stops and the above services and facilities.

14.3.4 The occupants of the proposed apartments would be able to safely access sustainable public transport of a satisfactory frequency, and a plethora of services and facilities within walking distances. Many 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. Therefore, the sustainability credentials of the location are eminent and the development complies with paragraphs 104(c), 110(a) of the NPPF, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and policy GEN1(e) of the Local Plan.

14.3.5 Previously developed land:
The site is previously developed land³, as there are planning records (see SWB/0005/48) and other material considerations, including the historic presence of Almshouses on the site, to support this.

14.3.6 Conclusion:
The principle of the residential use of the application site is acceptable and complies with policies S1, GEN1(e) and H4 of the Local Plan, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and the NPPF. However, the principle of the development (including the principle of demolition of the existing building) is subject to additional material planning considerations, such as the impact of the proposal on heritage assets (see Section B).

14.4 B) Heritage impacts and balance / Appearance, scale, layout, landscaping / Climate change

14.4.1 Heritage impacts:
Conservation reported that the building⁴ affected by the application was constructed in the early 1950s by a prolific Essex architect and positively contributes to the Saffron Walden 1 Conservation Area, representing a later phase of development within Saffron Walden. Primes Close is a non-designated heritage asset (NDHA)⁵ due to its special architectural and

³ In the context of the NPPF glossary and a Court of Appeal decision: Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁴ Known as Primes Close or Primes Close bungalows or Nos. 2-8 Primes Close bungalows.

⁵ The applicant concurs that the existing building is a non-designated heritage asset (NDHA) when stating that “*The Primes Close Bungalows are not listed but have been identified as being non-designated heritage assets*” (Planning Statement, paragraph 2.4) or “*The site is identified as having two non-designated heritage assets within it both of which would be demolished and replaced*” (Planning Statement, paragraph 6.3). See also Heritage Statement, paragraph 2.3(i).

historic interest. The site is close to several Grade II listed buildings⁶ and within the above Conservation Area, and as such, an assessment of the proposed development's impact to the significance of these heritage assets is necessary, as per paragraph 195 of the NPPF.

14.4.2 The proposed demolition of Primes Close bungalows would result in harm to the significance of the Conservation Area, failing to comply with paragraphs 202 and 207 of the NPPF. The loss of the existing NDHA would also result in the total loss of its significance, failing to comply with paragraph 203 of the NPPF. Therefore, the principle of the demolition of Primes Close is not acceptable unless proven that the building is beyond reasonable repair.

14.4.3 Notwithstanding this, the proposed building, by reason of its scale, massing, architectural details and plan form, would harm the character or appearance of the Conservation Area and the significance of a number of listed buildings. More specifically, the proposed building would be too large and bulky with a greater height than the listed buildings to the north (1 and 9 Primes Close), adversely impacting the prominence of the heritage assets and detracting from our experience, appreciation and views of the heritage assets, including the principal elevation of 1 and 9 Primes Close and the rear elevation of the King Edward VI Almshouses Central Block and Chapel to the south (see images). In addition, the proposed building would be largely rectilinear in plan with a large square western end, failing to reinstate the historic courtyard form. Incongruous architectural elements, such as balconies, a large crown roof (indicative of its bulky massing) and solar panels⁷, would also be harmful to the significance of the Conservation Area.



⁶ (1 and 9) Primes Close (Grade II) – Two buildings under one listing.
King Edward VI Almshouses Central Block and Chapel (Grade II).
King Edward VI Almshouses East Block (Grade II).
King Edward VI Almshouses West Block (Grade II).
7 Park Lane (Grade II).
9 and 11 Park Lane (Grade II).
Garden Wall of Walden Place (Grade II).
United Reformed Church (Grade II).

⁷ Solar panels were considered incongruous architectural elements, following verbal feedback from Conservation, given their presence in the Proposed Elevations drawing.



- 14.4.4** Therefore, the Conservation officer raised **objections**, as the demolition of the existing building would lead to the complete loss of the NDHA and would fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area. The proposed building would fail to preserve the setting, special interest and significance of the listed buildings and would fail to preserve or enhance the character or appearance of the same Conservation Area. The level of harm would be ‘less than substantial’ towards the middle-high end of the spectrum for 1 and 9 Primes Close, and towards the low-middle end of the spectrum for the Conservation Area and the rest of the heritage assets included in Footnote 6 (except of the Garden Wall of Walden Place). The proposals would be contrary to paragraphs 202, 203 and 207 of the NPPF, and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 14.4.5** Policy SW3(1) of the Saffron Walden Neighbourhood Plan requires all developments in the town to positively contribute to its sense of place through a design-led approach. Policy SW3(4) states, amongst others, that developments must demonstrate that they (a) display a high level of architectural quality which responds positively to Saffron Walden’s context and distinctive character by ensuring that height and scale is in keeping with neighbouring properties; (b) evidence a positive response to the historic environment and (c) integrate well with existing neighbourhoods while seeking to improve the aesthetic of the immediate area. Considering the above analysis, the proposal would fail policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan that carry significant weight.
- 14.4.6** Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 14.4.7** Heritage balance:
The applicant concurs with the Local Planning Authority (LPA) that the proposed development would result in ‘less than substantial harm’ to the significance of the designated heritage assets and a direct harm to the

NDHA⁸. The application maintains that such harm is outweighed by the public benefits of the proposal and that there are heritage benefits from scheme that are not enough to outweigh its harmful impact to the heritage assets without the public benefits. In the applicant's words "*Heritage benefits are identified as flowing from the development but on their own are not sufficient to weigh the balance in favour of the development therefore the full range of public benefits resulting are considered*"⁹.

14.4.8 Paragraph 202 of the NPPF states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the *public benefits* of the proposal including, where appropriate, securing its optimum viable use. The Conservation officer did not identify any heritage benefits from the proposed scheme. However, the heritage balancing exercise would require the above 'less than substantial harm' to be weighed against the public benefits of the scheme, which include:

- Provision of 16 no. affordable units (net increase of 9 no. units).
- Net increase of 9 no. units to the 5YHLS.
- Provision of accessible and energy/water efficient units.
- Accessible and sustainable location.
- Reduced flood risk due to the replacement culvert.
- Ecological and biodiversity enhancements and net gains.
- Economic benefits.

14.4.9 By reason of the limited number of units proposed and the small overall contribution to the 5YHLS of the scheme, the above public benefits would be of limited to moderate weight (see Section L). In comparison, paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As such, the 'less than substantial harm' identified earlier would be afforded great weight. Therefore, the above public benefits would not outweigh the heritage harm of this scheme.

14.4.10 Paragraph 11(d) of the NPPF 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.

Footnote 7 of the NPPF includes policies relating to designated heritage assets. Therefore, considering the above analysis and balancing exercise, the application of paragraphs 202 and 207 of the NPPF that protect designated heritage assets provide a **clear reason for refusing**

⁸ See Planning Statement, paragraphs 5.6, 5.25, 7.3; Heritage Statement, paragraphs 7.8(iv), 7.8(v), 8.0(vi); Response to Heritage Comments, p.3.

⁹ Heritage Statement, paragraph 8.0(vii) (own emphasis).

the development, as the scheme fails to comply with paragraph 11(d)(i) of the NPPF.

14.4.11 Notwithstanding the above and for completeness, the application maintains the following heritage benefits, which are discussed below:

1. **The development secures the function (optimum viable use) of the other historic Almshouses in the locality¹⁰:**

The optimum viable use of the existing buildings in the wider site (blue line) is already residential and there is no sufficient evidence to demonstrate how the proposal would assist to continue the optimum viable use of the rest of the Almshouses or why their function is at risk.

2. **The existing single storey building is out of scale with the surrounding buildings and the proposed two-storey building would better follow the local pattern of development and create a courtyard¹¹:**

There are single storey buildings in the area (e.g. nos. 5-10 Abbey Lane and the Bowling Club building). The proposed building is higher than nos. 1 and 9 Primes Close and the former 1782 building (see images), plus it does not reinstate a historic courtyard form, as it is largely rectilinear with a large square western end. The courtyard to the north is also existing due to the presence of the listed buildings and the proposal would lead to the loss of the existing courtyard to the south.



3. **The proposed building is of high design quality¹²:**

The proposal contains incongruous architectural features, as elaborated above.

4. **The proposed building takes references from the 1782 building that was demolished¹³:**

The proposed building would have a much greater bulk and massing than the 1782 building.

5. **The proposed building would be energy and water efficient¹⁴:**

The green technologies employed are not enough to justify the above heritage harm.

6. **Demolition of the existing building unlocks the ability to access and replace the culvert¹⁵:**

Conservation verbally confirmed that the culvert has no historic, architectural or other heritage interest given its underground position, and as such, its replacement is not a heritage benefit.

¹⁰ Heritage Statement, paragraph 7.9(i)a.

¹¹ Heritage Statement, paragraphs 7.6(ii)-(iii), 7.9(i)b.

¹² Heritage Statement, paragraph 7.9(i)b.

¹³ Response to Heritage Comments, p.2.

¹⁴ See Energy Statement.

¹⁵ Design and Access Statement, paragraph 1.1.3(i).

- 14.4.12** The application also supports:
- **The building is not identified as a positive contributor to the Conservation Area in the Saffron Walden Conservation Area Appraisal or in the Local Heritage List¹⁶:**
It is common ground with the applicant that the building is a NDHA (see Footnote 5). Such assets can be identified during the decision-making process as evidence emerges – this was clarified at the pre-app stage (UTT/22/1153/PA) – and the Conservation Area Appraisal is not a binary document.
 - **The interest of the existing building is low or neutral¹⁷:**
This point was challenged by Conservation and the application also supports that “*the building is not without merit*”¹⁸.
 - **Draft guidance from Historic England is supportive of the scheme¹⁹:**
This mainly relates to the public benefits of the scheme (see above and Section L). Paragraph 24 of the document states that “*just because there is a need to carry out changes does not automatically mean that the need trumps the significance*” and that alternatives which avoid or mitigate harmful impacts should be considered.

14.4.13 Appearance, scale, layout, landscaping:
The matters of appearance, scale and layout have been discussed in the preceding paragraphs and shall not be repeated here. However, some comments on the landscaping proposals are necessary.

14.4.14 The application proposes to retain the mature trees on site with two small trees in the front (north) court removed for construction purposes and replaced with others upon completion, as well as low maintenance landscaping details²⁰. Notwithstanding these, additional landscaping would not soften the scale and massing of the proposed building nor alleviate the heritage harm identified above. Green landscaping to reduce visual impacts is also a requirement of policy SW18 of the Saffron Walden Neighbourhood Plan, and as such, it cannot stand as a public benefit.

14.4.15 Climate change:
The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. The development would bring forward water and energy efficiency measures and construction techniques to ensure compliance with the above policies, as well as section 14 of the NPPF, including solar panels and air source heat pumps. Water efficiency would be at a total water consumption of 99.7 litres per person per day for each unit²¹, which

¹⁶ Heritage Statement, paragraphs 4.5(v), 7.6(i).

¹⁷ Planning Statement, paragraph 7.4; Heritage Statement, paragraph 6.1.1.

¹⁸ Heritage Statement, paragraph 7.5.1(i).

¹⁹ Response to Heritage Comments 2.

²⁰ Planning Statement, paragraph 5.19; Design and Access Statement Part 2, paragraph 5.4(vi), 5.4(viii).

²¹ Energy Statement, p.35.

complies with the 110 litres per person per day set out in interim policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan. Although these green technologies are benefits for the scheme, they are not considered adequate to eliminate or mitigate the heritage harm identified above.

14.4.16 Conclusion:

Considering the above, the heritage balance of the proposed development tilts against the scheme. The proposals would be contrary to paragraphs 202, 203 and 207 of the NPPF, policies ENV1, ENV2 and GEN2 of the adopted Uttlesford Local Plan (2005), policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan (October 2022), and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14.5 **C) Residential amenity**

14.5.1 In terms of the residential amenity of the occupants, the proposed flats have the following occupancies and gross internal areas (GIA) compared to the minimum thresholds set out in the Nationally Described Space Standard (NDSS, see brackets):

- Flat 1: 1B2P²² 42.2sqm (< threshold 50sqm) – below standards
- Flat 2: 1B2P 43.7sqm (< threshold 50sqm) – below standards
- Flat 3: 1B1P 41sqm (> threshold 37sqm)
- Flat 4: 1B1P 42.4sqm (> threshold 37sqm)
- Flat 5: 1B1P 44.7sqm (> threshold 37sqm)
- Flat 6: 1B2P 52.1sqm (> threshold 50sqm)
- Flat 7: 1B2P 47.1sqm (< threshold 50sqm) – below standards
- Flat 8: 2B3P 60sqm (< threshold 61sqm) – below standards
- Flat 9: 1B2P 42.3sqm (< threshold 50sqm) – below standards
- Flat 10: 1B2P 43.7sqm (< threshold 50sqm) – below standards
- Flat 11: 1B1P 41sqm (> threshold 37sqm)
- Flat 12: 1B1P 42.3sqm (> threshold 37sqm)
- Flat 13: 2B3P 63.8sqm (> threshold 61sqm)
- Flat 14: 1B2P 48.3sqm (< threshold 50sqm) – below standards
- Flat 15: 1B2P 44.5sqm (< threshold 50sqm) – below standards
- Flat 16: 2B3P 60.3sqm (< threshold 61sqm) – below standards.

14.5.2 Therefore, flats 1-2, 7-10 and 14-16 have GIAs that fall below the minimum thresholds of the NDSS, and as such, the above flats offer sub-standard living accommodation for their future occupants, by way of providing inadequate floor space, to the detriment of their residential amenity. The proposal fails to comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.3 In terms of amenity (garden) space, the proposed flats have an adequate communal garden area that well exceeds the minimum threshold of

²² 1B2P = 1 no. bedroom – 2 no. persons.

25sqm per flat (see Essex Design Guide), in compliance with policy SW3(12) of the Saffron Walden Neighbourhood Plan. Although the privacy of the communal garden would be questionable given the public footpath running through the site and proposed building, the existing situation is the same, plus it would be unreasonable to enclose the public footpath through fencing for reasons of security and heritage impact. The rest of the properties under the applicant's control retain the same level of amenity space.

14.5.4 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, notwithstanding the concerns raised by neighbouring occupiers, the Environmental Health officer raised **no objections** subject to conditions (see also Section 6).

14.5.5 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the following conclusions are drawn for the impact of the proposed development to the residential amenity of the neighbouring occupiers in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.6 Potential overlooking and loss of privacy:

- **Flat 9:**

- Living room and kitchen windows (west facing) would create a perception of overlooking to the private garden of no. 7 Park Lane. Despite being obscure-glazed (which would minimise actual overlooking), the vantage position and numbers of those windows and their capacity to be opened, will lead to perceived overlooking to the detriment of the residential amenity of the neighbouring occupiers.
- The living room Juliet balcony (north facing) would directly face the private garden of no. 9 Primes Close cottage from a vantage position, leading to actual and perceived overlooking of, and loss of privacy to, the neighbouring occupiers.

- **Flats 11 and 12:**

- The proposed balconies would be directly facing into habitable room windows on the north elevation of the King Edward VI Almshouses Central Block and Chapel. The applicant maintains that floor heights vary between the two buildings and that most of the existing windows belong to non-habitable rooms²³. However, the following graphic shows alignment of the balconies with some of the windows of the central block, including at least one bedroom window. Therefore, there is material overlooking of, and loss of privacy to, habitable room windows of the central block that would harm the residential amenity of the neighbouring occupiers.

²³ Design and Access Statement Part 2, paragraph 5.2(xxvi).



- **Flat 16:**
 - The proposed bedroom window (east facing) would be directly facing the private garden of no. 5 Park Lane and would create a perception of overlooking to those neighbouring occupiers. Despite being obscure-glazed (which would minimise actual overlooking), the vantage position and its capacity to be opened, will lead to perceived overlooking to the detriment of the residential amenity of the neighbouring occupiers.

14.5.7 Potential overshadowing and loss of light:

Due to its size, scale and position, the proposed building would lead to material overshadowing of, and loss of light to, the private gardens of no. 9 Primes Close cottage and no. 7 Park Lane, to the detriment of the residential amenity of the neighbouring occupiers. A comparison between the existing and proposed sunlight and shade analysis provided in the application confirms this²⁴:

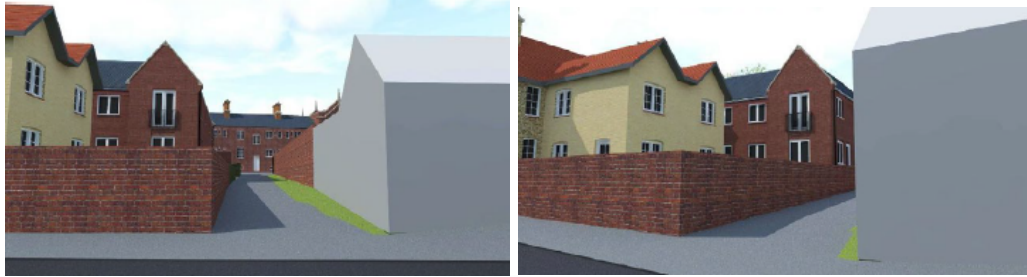


14.5.8 Potential overbearing effects:

Given the limited gaps in relation to the private garden of no. 9 Primes Close cottage, the increased height of the proposed building and the existing two-storey building at no. 7 Park Lane, the scheme would amount to an overbearing impact ('tunnelling effect' or 'sense of enclosure') that would harm the residential amenity of the neighbouring occupiers at no. 9 Primes Close cottage. The followings graphics attest to this harm²⁵:

²⁴ See Design and Access Statement, p.18; and Design and Access Statement Part 2, p.47.

²⁵ See Heritage Statement, p.21.



14.5.9 Overall, the proposal would materially harm residential amenities of existing and future occupants, and would fail to comply with policies H4(b)-(c) and GEN2 of the Local Plan, policy SW3(4)(g) of the Saffron Walden Neighbourhood Plan, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking

14.6.1 From a highway and transportation perspective and notwithstanding the concerns of third parties, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development accords with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF.

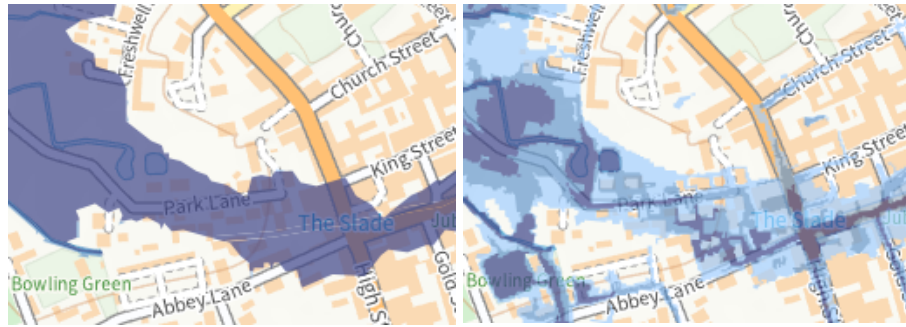
14.6.2 The proposed parking arrangements include 2 no. additional parking spaces, one of which is a disabled space of appropriate dimensions. The existing parking arrangements for the wider site (blue and red lines) include 11 no. spaces for 43 no. units (coverage 23.4%), whilst the proposed situation would bring coverage to 25% (13 no. spaces for 52 no. units given the net increase of 9 no. flats). Although parking provision will still be below the levels required by the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), contrary to policy SW4(1) of the Saffron Walden Neighbourhood Plan, the *status quo* is retained, and as such, the conflict with the above policy would hold limited weight. It would also be unreasonable to refuse the application on insufficient parking (or visitors' parking) grounds given the improvement in the current situation and the proximity of the application site to sustainable transport modes and the town centre.

14.6.3 The proposed cycle parking spaces (10 no. spaces) fall short of the requirements of the Essex County Council Parking Standards (2009), which would be 19 no. cycle spaces on this occasion. However, again, this can be justified given the proximity of the application site to sustainable transport modes and the town centre, and as such, the conflict with policy SW4(2) of the Saffron Walden Neighbourhood Plan would be afforded limited weight.

14.6.4 Overall, the proposal would accord with policies GEN1 and GEN8 of the Local Plan, and the NPPF (insofar as they refer to the above section).

14.7 E) Ecology

- 14.7.1** The Ecology officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures. The development accords with paragraphs 43, 174(d) and 180 of the NPPF, and policy SW11(5) of the Saffron Walden Neighbourhood Plan.
- 14.7.2** Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with policies GEN7, ENV8 of the Local Plan, the Saffron Walden Neighbourhood Plan, 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.
- 14.8.2** Overall, the proposal is acceptable in contamination terms, and accords with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF.
- 14.9 G) Archaeology**
- 14.9.1** Archaeology reported that *“the proposed development lies within a sensitive area of heritage assets and archaeological potential”*. Archaeology raised **no objections** subject to conditions for building recording and for an archaeological programme of trial trenching followed by open area excavation to protect potential archaeological remains. The development complies with paragraph 192(b) of the NPPF.
- 14.9.2** Overall, the proposal is acceptable in archaeological terms, and complies with policy ENV4 of the Local Plan, and the NPPF.
- 14.10 H) Flood risk and drainage**
- 14.10.1** The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary in such areas, making it safe for its lifetime without increasing flood risk elsewhere (see paragraphs 159-169 of the NPPF).
- 14.10.2** The site falls within Flood Risk Zones 2 and 3, and comprises a ‘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 (FRA) 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 Paragraph 167 of the NPPF states, amongst other things, that development should only be allowed in areas at risk of flooding where, in the light of the site-specific flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

14.10.4 Notwithstanding the submission of additional information from the applicant, Essex County Council (as the Lead Local Flood Authority, LLFA) raised **objections** as it has not been demonstrated that the proposed development would not increase flood risk on the site or elsewhere nor that the operation of the proposed SUDS would be effective, contrary to paragraph 167 of the NPPF and policy GEN3 of the Local Plan. Essex County Council reported flaws in the updated FRA, as well as the lack of appropriate information regarding the locations and details of the proposed SUDS features (including information about infiltration testing for the possibility of the attenuation tank to become an infiltration feature) and the hydraulic modelling details that should include appropriately entered climate change mitigation values.

14.10.5 Essex County Council did not comment on the proposed replacement of part of the River Slade culvert and recommended that the Environment Agency should be consulted. The Environment Agency, following review of the additional information, raised **no objections** as the FRA suitably demonstrated that there will be no net loss of flood storage resulting from the proposed development, recommending adherence with the mitigation measures including in the FRA, such as specific finished floor levels and flood resilient measures. Notwithstanding the conflicting positions of the LLFA and the Environment Agency, it is considered reasonable to refuse the application until both consultees are on board given that the concerns raised by the LLFA relate to potential danger to human lives and damage to property. For example, although the volume of the flood storage has

been considered appropriate by the Environment Agency, the location and details of the attenuation tank have been deemed inappropriate by the LLFA.

14.10.6 The Environment Agency also reported that the proposed development allows for better placement of the buildings in relation to the culvert. The proposed replacement of the culvert section would mean that:

This section of the culvert will be more accessible for maintenance and the building will no longer be positioned on it. This will also help structurally. Blockages associated with the Town Centre culvert are known to cause flooding, so there will be betterment by replacing this section as the risk of collapse or failure would be greatly reduced over the existing. It will not eliminate flood risk to Saffron Walden as this will only replace one section of the town centre culvert and there are still other sections where blockages could occur. However it will likely have flood risk benefit and will be an improvement on the existing culvert in this section. [...]

In summary we are in favour of replacing the culvert section as it will provide betterment but it will not eliminate flood risk altogether.

14.10.7 Following the submission of additional information, Anglian Water raised **no objections** subject to conditions to the wastewater, used water and surface water treatments or the capacities of the relevant infrastructure networks.

14.10.8 The Canal & River Trust refrained from commenting as the application site falls outside the notified area for its scale and location.

14.10.9 Overall, the proposal is not acceptable in terms of flood risk and drainage, and fails to accord with policy GEN3 of the Local Plan, policies SW3(14) and SW11 of the Saffron Walden Neighbourhood Plan, 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; being relevant on this occasion. 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 Saffron Walden Neighbourhood Plan suggest there is lower demand for flats than houses, but higher demand for 1- and 2-bedroom flats than 3-bedroom flats. In any case, the Housing officer supported the provision of the proposed housing mix (13 no. 1- and 3 no. 2-bedroom flats). The proposal would comply with policy SW1 of the Saffron Walden Neighbourhood Plan.

14.11.2 The 40% affordable housing contribution is triggered as the scheme comprises 'major development' for the purposes of the NPPF²⁶ of more than 15 no. units (as required by policy H9 of the Local Plan). The application proposes 100% affordable units that shall be secured through a section 106 agreement or a unilateral undertaking (legal agreement). The Housing officer raised **no objections** and noted the public benefits of the scheme and that "*it would provide new affordable housing for those in housing need within Saffron Walden*". The development would comply with policy H9 of the Local Plan, policy SW2 of the Saffron Walden Neighbourhood Plan, and the NPPF.

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 paragraph identifies those matters that the LPA 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 development has failed to provide the necessary mechanism to secure the following planning obligations that comply with CIL regulations and paragraph 57 of the NPPF:

- Provision of affordable housing.
- Provision of wheelchair accessible and adaptable dwellings.
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

14.12.3 If the scheme were acceptable, a legal agreement to secure the above Heads of Terms would be expected to be signed, to ensure the proposal would accord with policy GEN6 of the Local Plan, 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 Essex Police raised concerns with the application on the grounds of inappropriate lighting features (i.e. bollards and wall mounted lamps) as these can increase the fear of crime, as well as on the grounds of secure access and visitor control given that the proposed ground floor terraces open into publicly accessible space. The proposal would fail to comply

²⁶ '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.

with policy GEN2(d) of the Local Plan that aims at reducing the potential for crime, and paragraph 130(f) of the NPPF. Notwithstanding these concerns, the above could be controlled through the use of appropriate conditions (if the scheme were acceptable) in regard to boundary treatments and a detailed lighting scheme, and as such, the above conflict would hold limited weight.

14.13.2 The Stansted Airport Safeguarding Authority have **no objections** unconditionally on flight safety grounds.

14.14 L) Planning balance

14.14.1 The following public benefits²⁷ of the scheme are discussed in the next paragraphs:

- Provision of 16 no. affordable units (net increase of 9 no. units) – moderate weight.
- Net increase of 9 no. units to the 5YHLS – moderate weight.
- Provision of accessible and energy/water efficient units – limited weight.
- Accessible and sustainable location – limited weight.
- Reduced flood risk to the town due to the replacement culvert – limited weight.
- Ecological and biodiversity enhancements and net gains – limited weight.
- Economic benefits – limited weight.

14.14.2 The application maintains that the existing building has defects (including poor ventilation, insulation, and materials, damp and mould growth) that create energy efficiency and health challenges for the occupants of the bungalows²⁸. The application accepts “*it would be possible to upgrade the existing building*” but that would not be the preferred option as it would not be economically viable and would retain residual problems²⁹. However, the financial cost and strategy of the applicant is not appropriate planning justification for the proposed development that was found to be harmful to a NDHA and designated heritage assets (including listed buildings and the Conservation Area). A viability assessment has not been provided by the applicant nor independently checked. In any case, the applicant accepts that the existing building is not beyond repair and upgrading, which would reasonably justify its demolition.

14.14.3 The net provision of 9 no. affordable units and the equal contribution to the 5YHLS would be meaningful but rather moderate public benefits arising from the development, as they would make little difference to the

²⁷ See Planning Statement, paragraph 6.5; see also Summary of Public Benefit; and various sections in the Design and Access Statement and the Design and Access Statement Part 2.

²⁸ For an analytical description of the defects, see Surveyor Letter; section 4.2 of the Design and Access Statement; and the Structural Survey.

²⁹ Design and Access Statement, paragraph 4.0(ii); see also phrase “*it is not the case that the Primes Close is beyond repair*” (Design and Access Statement, paragraph 4.1(x)).

overall supply of housing in the district (especially since the 5YHLS is above 5 years, see paragraph 14.3.1).

- 14.14.4** The accessibility credentials and the energy/water efficiency measures incorporated in the design of the proposed building are supported by the NPPF, the Supplementary Planning Document Accessible Homes and Playspace, and the Interim Climate Change Planning Policy. However, the limited number of units proposed means that the public benefit would also be limited to its extent.
- 14.14.5** Although the proposed replacement to section of the River Slade culvert would reduce the flood risk to the town, this benefit would hold limited weight given that it is only part of the culvert that will be replaced and blockages could still occur on other sections of it, and as such, flood risk to the town from this feature would not be eliminated or substantially reduced.
- 14.14.6** The location of the application site close to the services and facilities of the town centre and public transport links within easy and safe walking distances would also be a public benefit. However, the scheme would not be a car-free development, and as such, the benefit of its location would be afforded limited weight.
- 14.14.7** The proposal would be able to offer biodiversity enhancements and net gains; these matters would only attract limited weight.
- 14.14.8** The proposal would also provide a modest contribution towards the wider local economy during construction, via potential short-term employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the town. However, the economic benefits of 16 no. flats would be modest and would attract limited weight.
- 14.14.9** On the other hand, the adverse impacts of the proposed development include:
- Heritage harm from the demolition of NDHA – significant weight.
 - Heritage harm from the proposed building – great weight.
 - Flood risk increase on site and elsewhere – significant weight.
 - Harm to the residential amenity of existing and future occupants – significant weight.
 - Lack of mechanism to secure the provision of affordable and accessible/adaptable housing – significant weight.

It has been concluded in Section B that the proposal would lead to the total loss of the NDHA (and its significance), which would also fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area. The principle of demolition of the existing building was not found acceptable. It has also been concluded that the proposed building would fail to preserve the setting, special interest and significance

of several listed buildings³⁰ and would fail to preserve or enhance the character or appearance of the same Conservation Area, causing 'less than substantial' towards the middle-high end of the spectrum for nos. 1 and 9 Primes Close, and low-middle end of the spectrum for the Conservation Area and the rest of the heritage assets (see footnote 30). The proposals would conflict with paragraphs 202, 203 and 207 of the NPPF, policies ENV1, ENV2 and GEN2 of the adopted Uttlesford Local Plan (2005), policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan (October 2022), and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

14.14.10 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, *great weight* should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, great weight would be afforded to the heritage harm caused by the proposed building and the loss of the existing building.

14.14.11 The loss of the NDHA would attract significant weight given its complete loss.

The potential increase of flood risk on site or elsewhere could endanger human lives and damage properties, and as such, given the location of the application site within Flood Zones 2 and 3, would attract significant weight. The same weight applies to the harm to the residential amenity of existing and future occupants within or in the vicinity of the site, as that would decrease the quality of their life through sub-standard living conditions.

14.14.12 Finally, the development has failed to provide the necessary mechanism to secure the following planning obligations that comply with CIL regulations and paragraph 57 of the NPPF:

- Provision of affordable housing.
- Provision of wheelchair accessible and adaptable dwellings.
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

14.14.13 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not be

³⁰ King Edward VI Almshouses Central Block and Chapel (Grade II).
King Edward VI Almshouses East Block (Grade II).
King Edward VI Almshouses West Block (Grade II).
7 Park Lane (Grade II).
9 and 11 Park Lane (Grade II).
United Reformed Church

sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The heritage and planning balances found that the application of policies in the NPPF that protect assets of particular importance would provide a clear reason for refusing the proposed development and that the adverse impacts of the proposed scheme would significantly and demonstrably outweigh the benefits.

16.2 Overall, for the reasons given in this report, the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which would indicate that the development should be determined other than in accordance with it.

16.3 It is therefore recommended that the application be refused on the grounds specified in section 17 of this report.

17. REASONS FOR REFUSAL

17.1 The application of paragraphs 202 and 207 of the National Planning Policy Framework (2023) that protect designated heritage assets of particular importance provides a clear reason for refusing the proposed development, as per paragraph 11(d)(i) of the Framework. The principle of the development is not acceptable. Therefore, the proposal fails to comply with the National Planning Policy Framework (2023).

17.2 The proposed development would fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area and would fail to preserve the setting, special interest and significance of several listed buildings, causing 'less than substantial harm'. The proposed demolition of the existing building would harm the significance of the Conservation Area and result in the total loss of the significance of this non-designated heritage asset. The proposed building, by reason of its scale, massing, architectural details and plan form, would harm the character or appearance of the Conservation Area and the significance of several listed buildings. The harm to the significance of the designated heritage assets would not be outweighed by the public benefits of the proposal. Therefore, the proposal would fail to accord with policies ENV1, ENV2 and GEN2 of the adopted Uttlesford Local Plan (2005), policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan (October 2022), sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 202, 203 and 207 of the National Planning Policy Framework (2023).

17.3 Insufficient information has been submitted with the application to demonstrate that the proposed development would not increase flood risk on the application site or elsewhere or that the operation of the proposed sustainable drainage systems would be effective, contrary to paragraph 167 of the National Planning Policy Framework (2023), and policy GEN3 of the adopted Uttlesford Local Plan (2005).

17.4 The proposed development would harm the living conditions of existing neighbouring occupiers and would provide sub-standard living conditions for its future occupants, to the detriment of their residential amenity. The proposal would lead to (actual and perceived) overlooking of and loss of privacy to the private garden of no. 9 Primes Close and some habitable room windows of the Central Block. The proposal would lead to (perceived) overlooking of the private gardens of nos. 5 and 7 Park Lane. By reason of its scale and position, the proposed building would lead to overshadowing of and loss of light to the private gardens of nos. 9 Primes Close and 7 Park Lane and to overbearing effects to the occupiers of no. 9 Primes Close. The proposed units would also provide gross internal areas that are below the minimum thresholds. Therefore, the proposal

would conflict with policies GEN2 and H4(b)-(c) of the adopted Uttlesford Local Plan (2005), policy SW3(4)(g) of the Saffron Walden Neighbourhood Plan, the Essex Design Guide, the Nationally Described Space Standard (2015), and the National Planning Policy Framework (2023).

17.5 The application does not include a mechanism such as a S106 legal agreement to secure;

- i. Provision of affordable housing
- ii. Provision of accessible and adaptable dwellings
- iii. Pay the Council's reasonable legal costs
- iv. Pay the monitoring fee.

Therefore, the proposal would be contrary to policies GEN6 and H9 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/23/0976/FUL
Our Ref: 56471
Date: 20th June 2023



CC: (by email) *DM, SMO2, Chelmsford*

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/23/0976/FUL
Applicant Mr Steve Hasler
Site Location King Edward VI Almshouses Abbey Lane Saffron Walden Essex CB10 1DE
Proposal Demolition of existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert.

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

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety
2. No development shall take place, including any ground works or demolition, until a temporary access scheme has been submitted to, and approved in writing by, the local planning authority. This should include, but not limited to, details for a temporary works access, loading and unloading of plant and materials and any other arrangements deemed necessary, to allow the works to take place without compromising Highway safety. **Reason:** To ensure the safe and suitable access can be provided for the works in the interests of Highway Safety.
3. Upon completion of the development, a highway reinstatement scheme shall be submitted to, and approved in writing by, the local planning authority. This should include, but not limited to, reinstatement of the footway and any other works deemed necessary, to reinstate the Highway. In the interests of clarity this scheme shall be implemented prior to first occupation of the development, in agreement with and to the satisfaction of the Highway Authority. **Reason:** To ensure the safe and suitable reinstatement of the Highway for all Highway users in the interests of Highway Safety.

4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. storage of plant and materials used in constructing the development,
 - iv. 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

5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator) **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. The 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. 55 (Saffron Walden) 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.

- iii. 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

- iv. There shall be no discharge of surface water onto the Highway.
- v. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.
- vi. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway
- vii. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@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: 5th September 2023
Our Ref: SUDS-006780
Your Ref: UTT/23/0976/FUL

Dear Mr Vlachos,

Consultation Response –UTT/23/0976/FUL– King Edward VI Almshouses, Abbey Lane, Saffron Walden, Essex, CB10 1DE

Thank you for your email received on 22/08/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- The FRA has not been wholly updated and in multiple places the discharge rate is stated as 2l/s or higher. Please confirm that 1l/s is the intended discharge rate and revise the FRA accordingly to reflect the most recent drainage design.
- The levels confirm that the site runs from south to north. Therefore, explanation is required regarding how the water will reach the discharge location in the south as there is no pump shown on the drainage plan.
- At the FULL application stage, full structural, hydraulic and ground investigations, including detailed infiltration testing in line with BRE365, groundwater level, should be provided exploring the possibility for the attenuation tank to become an infiltration feature.

<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

- The drainage plan should have all pipes, manholes, attenuation tanks etc labelled with their CL's and IL's and this should correspond to the hydraulic modelling.
- The hydraulic modelling (currently Appendix A.2 of the Technical Note) should capture all pipework and be in line with the [Drainage Calculations Guide](#). Climate change values should not be entered under 'Additional Flow (%)'. Furthermore, the LLFA asks for justification and details to be provided if values of less than 150 mm/hr are used for the maximum rainfall.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)
- Other SuDS features such as rain gardens and tree pits should be explored to provide added water quality benefits and biodiversity and amenity.
- The Environment Agency should be consulted upon the replacement of part of the River Slade culvert, as this does not fall within the direct remit of the SuDS and LLFA team, and therefore this response does not take into account those proposals.

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,

Gemma Parson, 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.

APPENDIX 3 – ENVIRONMENT AGENCY



Avgerinos Vlachos
Uttlesford District Council
Council Offices London Road
Saffron Walden
Essex
CB11 4ER

Our ref: AE/2023/128400/02-L01
Your ref: UTT/23/0976/FUL
Date: 02 August 2023

Dear Avgerinos

DEMOLITION OF EXISTING BUILDING CONTAINING 7 NO. 2-BED ALMSHOUSE UNITS. CONSTRUCTION OF NEW TWOSTOREY BUILDING, CONTAINING 16 NO. ALMSHOUSE UNITS IN A MIXTURE OF 1 AND 2 BED FLATS. ASSOCIATED BIN STORE, CAR AND CYCLE PARKING, AND LANDSCAPING. REPLACEMENT OF PART OF THE RIVER SLADE CULVERT.

KING EDWARD VI ALMSHOUSES ABBEY LANE SAFFRON WALDEN

Thank you for your consultation dated 11 July 2023. We have reviewed the documents as submitted and we are in a position to remove our holding objection. We have no objections to this application. More information on flood risk and advice for the applicant is available below.

Flood Risk

We have reviewed the revised Flood Risk Assessment (FRA) prepared by EPS, reference UK18.4109, dated 3rd July 2023. The FRA suitably demonstrates that there will be no net loss of flood storage resulting from the proposed development and we can now remove our objection.

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted FRA are adhered to.

In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 48.65m AOD
- Flood resilient measures will be incorporated up to a minimum of 450mm above the finished floor level

Advice to applicant

Flood Resilience Measures

Any proposed flood resistance or resilience measures should follow current

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Government Guidance. For more information on flood resilience techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Flood Risk Activity Permits

Under the terms of the Environmental Permitting Regulations (EPR), a permit will be required from the Environment Agency for the proposed replacement of this section of the River Slade Town Centre Culvert and for any other works under, over or within 8 metres of the culvert, which is designated a 'main river'.

Information on how to apply for a permit and application forms can be found on our website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
Any application for a permit should be submitted to the following email address: PSO.EastAnglia@environment-agency.gov.uk

Anyone carrying out a flood risk activity without a permit where one is required, is breaking the law.

Yours sincerely

Mr Giles Ward
Planning Officer

Direct e-mail planning.eastanglia@environment-agency.gov.uk

End

2

From: EastAnglia, Planning

Sent: Thursday, September 21, 2023 12:09 PM

To: Avgerinos Vlachos

Subject: [External] >> RE: Clarification - UTT/23/0976/FUL (King Edward Vi Almshouses, Saffron Walden) Your refs: AE/2023/128400/01-L01, AE/2023/128400/02-L01

Good Afternoon,

My apologies for the delay in responding to you on the below. Thanks for your follow up questions. Please see our response below.

This section of the culvert will be more accessible for maintenance and the building will no longer be positioned on it. This will also help structurally. Blockages associated with the Town Centre culvert are known to cause flooding, so there will be betterment by replacing this section as the risk of collapse or failure would be greatly reduced over the existing. It will not eliminate flood risk to Saffron Walden as this will only replace one section of the town centre culvert and there are still other sections where blockages could occur.

However it will likely have flood risk benefit and will be an improvement on the existing culvert in this section. As this is only replacing a section of the culvert we would want to make sure that it properly ties in to the existing culvert sections at each end – we would need to permit the works so the detail of the installation etc can be assessed and agreed.

In summary we are in favour of replacing the culvert section as it will provide betterment but it will not eliminate flood risk altogether.

We hope this is helpful but please get in contact if you need any more information.

Regards
Giles

APPENDIX 4 – CANAL AND RIVER TRUST

From: National Planning Function

Sent: Wednesday, September 20, 2023 5:25 PM

To: Avgerinos Vlachos

Subject: [External] >> RE: [CASE:1139452] Consultation response - Our ref UTT/23/0976/FUL (King Edward VI Almshouses)

Good afternoon

Thank you for your enquiry regarding planning application UTT/23/0976/FUL.

We do not appear to have any record of receiving this consultation from you in the first instance.

The Canal & River Trust is a statutory consultee in Article 18 and Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types and scales of proposed development.

This application falls outside the notified area for its application scale and location and there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.

Should you have any queries in relation to any consultation or notification of the Canal & River Trust on planning applications, please email us at planning@canalrivertrust.org.uk

Regards,

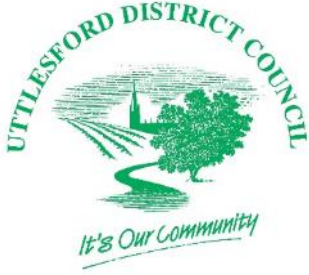
Victoria

Victoria Johnson

Planning and Data Support Technician

My working hours are Wednesday, Thursday 8:00-16:30 and Friday 8:00-16:00





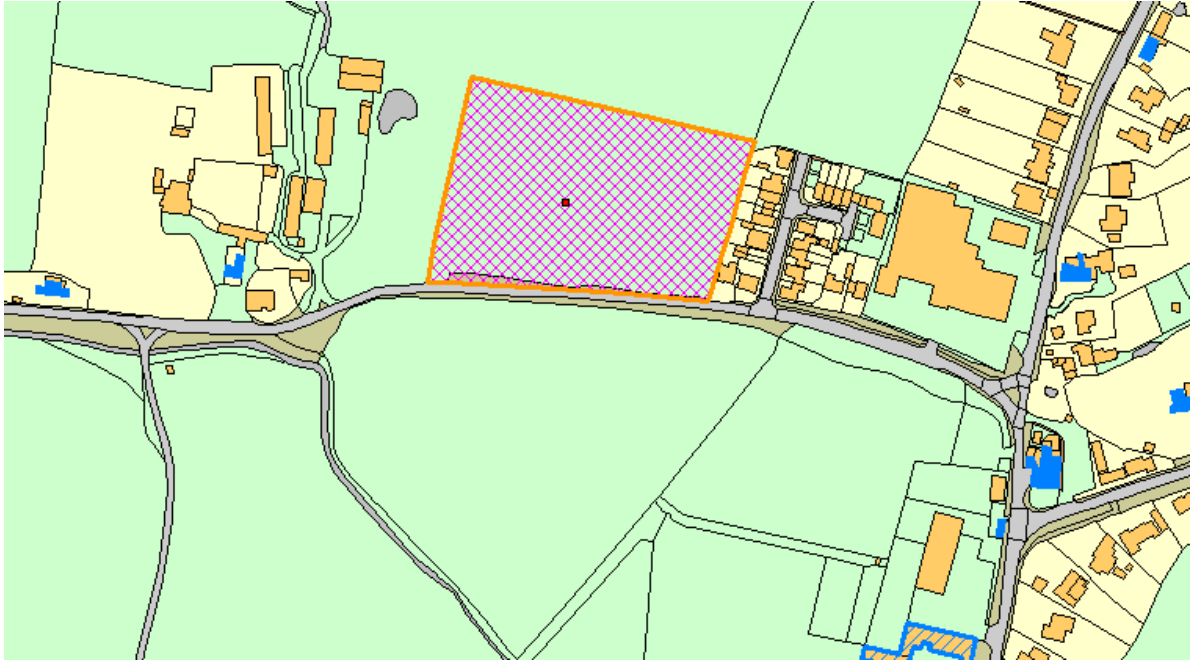
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 25 October 2023

REFERENCE NUMBER: UTT/23/1731/OP

LOCATION: Land North Of
Stickling Green
Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 04 October 2023

PROPOSAL: Outline planning application with all matters reserved except access for the development of 6 no. self-build homes with a new village green, landscaping and associated infrastructure.

APPLICANT: G W Balaam & Sons

AGENT: Mr M Thomas (CODE Development Planners)

EXPIRY DATE: 14 September 2023

EOT EXPIRY DATE: 30 October 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Setting of Listed Building (Clavering Court Lodge).
Curtilage Listed Buildings.
Road Classification (Stickling Green – Class III).
Within 500m of Pollution Control Site.

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

- 1.1** This an outline planning application with all matters reserved except access for the development of 6 no. self-build homes with a new village green, landscaping and associated infrastructure. The application does not propose any affordable units but offers a publicly accessible ‘village green’ to the front of the site and landscape buffer on the eastern boundary.
- 1.2** The development site is located outside development limits. As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. The heritage balance of the proposed development tilts against the scheme, offering a clear reason for refusing the proposed development under paragraph 11(d)(i) of the Framework.
- 1.3** The planning balance under paragraph 11(d)(ii) of the NPPF is also not in favour of the proposal. The proposed development would lead to heritage harm, harm to the open and rural character and appearance of the area

and inefficient use of the land, as well as provide insufficient information to demonstrate no adverse flooding implications within and/or outside the site, and a lack of an appropriate mechanism to secure the necessary planning obligations.

- 1.4 It has been concluded that the benefits of the development would not significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be refused.

2. **RECOMMENDATION**

REFUSE for the reasons set out in section 17.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises open, arable land, located adjacent to the development limits of Clavering between Hill Green and Stickling Green. To the west of the site there are some agricultural buildings, as well as a Grade II listed building (Clavering Court Lodge), curtilage listed buildings and a non-designated heritage asset. There are ditches to the front (south) and eastern boundaries of the site. Public footpaths (nos. 14 and 19) run in proximity of the site with clear views within and through the application site. Ground levels slope down slightly southwards. The overall area contains a distinct rural landscape setting for Clavering with some dwellings and other properties of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

- 4.1 This an outline planning application with all matters reserved except access for the development of 6 no. self-build homes with a new village green, landscaping and associated infrastructure. The application does not propose any affordable units but offers a publicly accessible 'village green' to the front of the site and landscape buffer on the eastern boundary.

- 4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Biodiversity impact assessment
- Heritage statement
- Land ownership certificate B
- Landscape and visual impact assessment
- Planning statement
- Preliminary ecological appraisal
- Superseded design, access and heritage statement
- Superseded submission schedule
- Transport statement

- Tree survey
- Revised design, access and heritage statement
- Revised submission schedule.

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/22/1652/PA	Outline planning permission for the development of six self-build homes, access, new village green and associated landscaping.	Closed (04.08.2022).
	UTT/0528/76	Outline application for development of seven houses	Refused (20.09.1976).

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 The submission of this application follows a pre-application advice meeting on 22 July 2022 when the applicant met with the planning officer on site to discuss a scheme of six self-build plots. During this meeting an illustrative masterplan was discussed that showed 6 no. self-build plots set back from the road with large back gardens and a new village green fronting onto the road. The written advice received following this meeting advised that “*in conclusion, the development cannot be supported in principle*”. Concerns raised by the case officer included:

- Significant countryside harm and harm to the character and appearance of the area.
- Not previously developed land.
- Inappropriate location with heavy reliance on cars, void of services and facilities and infrequent/unreliable bus service.
- Not 'sensitive infilling of a small gap in a small group of houses'.
- Modest loss of best and most versatile (BMV) agricultural land.

7.2 The applicant supports this application represents a revised scheme that has considered and, where possible, seeks to address those issues raised by the case officer.

7.3 The Localism Act 2011 requires pre-application consultation on certain types of planning applications in England. Prior to the current application, community engagement events with some of the relevant stakeholders were held¹:

¹ Full details of the applicant's community engagement and consultation exercises conducted is discussed within the submitted Planning Statement (paragraph 7).

- The above pre-application advice.
- The applicant has carried out local consultation with the proposal site neighbours in Eldridge Close. The applicant wrote to each neighbouring property explaining the proposal and inviting residents to discuss the proposals in more detail. Residents in three of the seven properties written to responded.
- As a consequence of the consultation and particular objections to a proposed footpath running along the site's eastern boundary to the rear of Eldridge Close, we have removed the footpath from the submitted proposal.
- During the consultation one of the neighbours expressed that although the preference would be for the site to remain undeveloped, they were relieved to see a commitment to a smaller number of dwellings and landscaping. This is reflective of the care taken in preparing a scheme that effectively responds to the rural setting of Clavering and proposes suitable mitigation to reduce any impacts of the proposal and the character and setting of the site.

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 Holding objection as no drainage strategy or Flood Risk Assessment was submitted with the application (see full response in Appendix 2).

8.3 Environment Agency

8.3.1 No comments (see full response in Appendix 3).

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council commented as follows:

Object:

- Fails policies S7, GEN1, GEN7 of the Local Plan, and the NPPF.
- Outside development limits.
- Loss of prime arable land.
- Eldridge Close was brownfield.
- Limited services and facilities.
- Lack of appropriate walking/cycling connections and public transport.
- Traffic increase.
- Full reliance on private cars.
- No bus service – only school bus service.
- Eastern hedge removed in Eldridge Close development.
- Ecological concerns.
- Highway safety concerns.

- No effective community engagement.
- 'Village green' – no responsible body identified.
- No indication of the size of the plots and streetscene.
- No demand for self-build plots or affordable houses in the village.
- Concerns over the farm access track.
- Land to the north owned by the applicant.
- Coalescence between Stickling Green and Hill Green (both parts of Clavering).
- Development sprawl.
- Loss of established hedgerow.
- Countryside harm.
- Surrounding footpaths.
- No long-term economic benefits.
- No need to introduce housing to revitalise the village.
- Unsustainable development.
- Planning balance against the scheme.
- Inspector in UTT/18/1256/OP (APP/C1570/W/19/3233882) said this part of Clavering is not sustainable.

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 Objections as the location of the proposed development and the coalescence between Hill Green and Stickling Green would have detrimental impact on the openness of the countryside. The proposed 'village green' and landscape buffer to the east would not be adequate mitigation for the above harm.

10.3 Place Services (Conservation and Heritage)

10.3.1 Objections due to heritage harm to the setting and significance of one listed and two curtilage listed buildings in the vicinity of the application site.

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 A site notice was displayed on site and notification letters were sent to nearby properties. Representations have been received.

11.2 Support

- 11.2.1**
- Low density, high quality homes.
 - Self-build properties.
 - New green is a benefit.
 - Simple water attenuation water management system.
 - Demand for additional housing.

11.3 Object

- 11.3.1**
- Active agricultural land.
 - Playing field and village greens in the village.
 - Coalescence between Stickling Green and Hill Green.
 - Outside development limits.
 - Limited services and facilities.
 - Lack of appropriate walking/cycling connections and public transport.
 - Urbanisation effects.
 - Countryside harm.
 - No need for additional housing.
 - Loss of local identity.
 - Potential redevelopment of the Court Farm barns.
 - Potential further development on land owned by the applicant.
 - Greenfield land.
 - Concerns over capacity of local infrastructure.
 - Harm to the open, rural character of the area.
 - Unsustainable site, location and development.
 - Traffic increase.
 - School bus service only.
 - Already refused in Call for Sites in 2015 and 2021.
 - Eldridge Close was brownfield.
 - Fails to comply with local and national policies.
 - Public footpaths in the vicinity.
 - Landscape measure inadequate to mitigate harm.
 - No indication of the size of the plots and streetscene.
 - Full reliance on private cars.
 - Harm to designated and non-designated heritage assets.
 - Limited benefits.
 - Noise, air pollution and other disturbances.
 - It will not enhance the vitality of the local community.
 - Highway safety concerns.
 - Ecological concerns.
 - Out of character.
 - No 'squaring off' effect.
 - Public access to biodiversity enhancements reduces their value.

- Urban sprawl.
- UDC close to achieving a 5YHLS.
- Refused scheme for 32 houses to the rear of Eldridge Close.
- Pre-app advice not followed.
- Unnecessary farm access – potential for further development.
- Flood risk and drainage concerns.
- Greenfield land.
- Loss of rural views.
- Suburban estate.
- Eldridge Close has a private road.
- Loss of privacy and overlooking.
- Overbearing effects.
- Self-built houses mean construction delays and uncertainty.
- Inappropriate scale and design.
- UTT/20/1628/OP refused and appeal dismissed.
- Inefficient use of the land.
- UTT/22/1578/OP refused.
- Planning balance against the scheme.
- No pavements on Stickling Green Road.
- Visual harm from Eldridge Close does not justify further harm.
- No SUDS report submitted.
- Attenuation basin better located to the rear for the allotments.
- Loss of trees.
- Feeling of separate due to the layout (village green).
- Rising levels of the site.

11.4 Neutral

- 11.4.1**
- Greenfield land.
 - Loss of arable land.
 - Brownfield land and conversions should be prioritised.
 - Highway safety concerns.
 - Open to further development.

11.5 Comment

11.5.1 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 civil matters.

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport, 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 (2023)

13.2 Uttlesford District Local Plan (2005)

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution

GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H9	Affordable Housing
H10	Housing Mix
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV12	Protection of Water Resources
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Neighbourhood Plan

13.3.1 There is 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 Planning Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

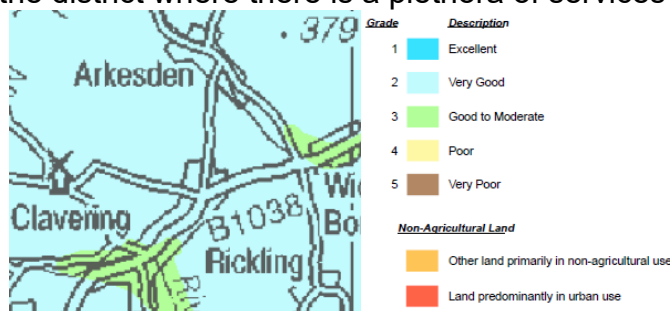
- 14.2**
- A) Principle of development**
 - B) Heritage impacts and balance / Self-build plots / Appearance, scale, layout, landscaping / Climate change**
 - C) Residential amenity**
 - D) Access and parking**
 - E) Ecology**
 - F) Contamination**
 - G) Archaeology**
 - H) Flood risk and drainage**
 - I) Housing mix and affordable housing**
 - J) Planning obligations**
 - K) Other matters**
 - L) Planning balance**

14.3 **A) Principle of development**

14.3.1 The development site is located outside development limits. The Council's October 2023 published land supply figure is **5.14 years**², this figure does include the necessary 5% buffer. That said the Council's (local planning authority, LPA) Development Plan cannot be viewed as being fully up to date, as such paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged, 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.

14.3.2 Applying policy ENV5

The site comprises Grade 2 ('Very Good' quality) agricultural land, being part of the district's best and most versatile agricultural land (BMV). The loss of BMV land conflicts with policy ENV5 of the Local Plan. Notwithstanding that policy ENV5 is consistent with paragraph 174(b) of the NPPF, this conflict is afforded limited weight as there is plenty of BMV land in the locality. However, policy ENV5 is indicative of the Local Plan's spatial strategy that seeks to direct development to more sustainable locations in the district where there is a plethora of services and facilities.



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

In **economic** terms, the proposal would provide a modest contribution towards the wider local economy during construction, via potential 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, Infill:

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 Clavering. Paragraph 80 of the NPPF is not

² Previously 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).

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

applicable. In addition, 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 site’s size and position in relation to the neighbouring dwellings, the site is not an infill opportunity, as it is not a small gap but rather a defining open space that visually distinguish Hill Green to the east from Stickling Green to the west.

14.3.6 Location – Services and facilities:

Clavering offers a range of services and facilities, including, but not limited to, a supermarket. The nearest serviced bus stop⁴ (Stickling Green Road stop – 3’ walk) is 240m from the site. The nearest school (Clavering Primary School – 25’ walk) is 1.8km away from the site and the nearest supermarket (Nisa Local – 27’ walk) is 2km from the site. Notwithstanding the proposed connection to the existing footway network, there are no pedestrian footpaths, lit, continuous and maintained, that link the application site to the bus stop and the above services and facilities.

14.3.7 The occupants of the proposed dwellings would not be able to safely access sustainable public transport of a satisfactory frequency, as well as services and facilities within walking distances. It would be unreasonable to expect that the future occupants will be walking back with their groceries from the supermarket for 27’ through the existing footways that are in poor condition. Movements to and from the site would not be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have not been taken up and alternative transport options are not promoted by the development. Therefore, the sustainability credentials of the location are not satisfactory in NPPF terms, and the development fails to comply with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.8 Character and appearance (countryside, landscape, pattern):

The local character contains a distinct rural feel and countryside setting with views to the wider landscape and an intrinsic sense of openness (see photographs). The proposal introduces built form in the countryside with urbanising effects⁵. Therefore, the development is contrary to policy S7 of the Local Plan 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 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic

⁴ Bus services include only a school bus twice a day on school days only (routes 446 and 306). The applicant concurs that “*there is a limit to the availability offered by these services*” (Planning Statement, paragraph 5.6) and accepts that these services are only operating twice daily (Transport Statement, paragraphs 2.3.4 – 2.3.5).

⁵ Domestic appearance of built form and domestic paraphernalia with which housing is associated, such as household equipment, vehicles, parking spaces and hardstandings, patios, fences, garden equipment, etc..

character and beauty of the countryside. Applying paragraph 219 of the NPPF to the above, policy S7 should be afforded significant weight.



14.3.9 The Landscape and Visual Impact Assessment submitted with the application concluded that the proposal “*will lead to a minor adverse landscape effect for the site itself and the immediate surroundings and Clavering settlement edge*”⁶ and “*presents an opportunity to reduce the harsh contrast between housing along Eldridge Close and the sensitive rural setting to Clavering by introducing a considerable landscape buffer, and providing new housing more in keeping with local settlement pattern*”⁷. On the other hand, third parties (including the community group ‘Keep Clavering Rural’) have expressed concerns over the landscape and visual effects of the proposed development and concluded that “*the level of effects should be moderate or moderate substantial at the study site and at least moderate in the local setting*”⁸.

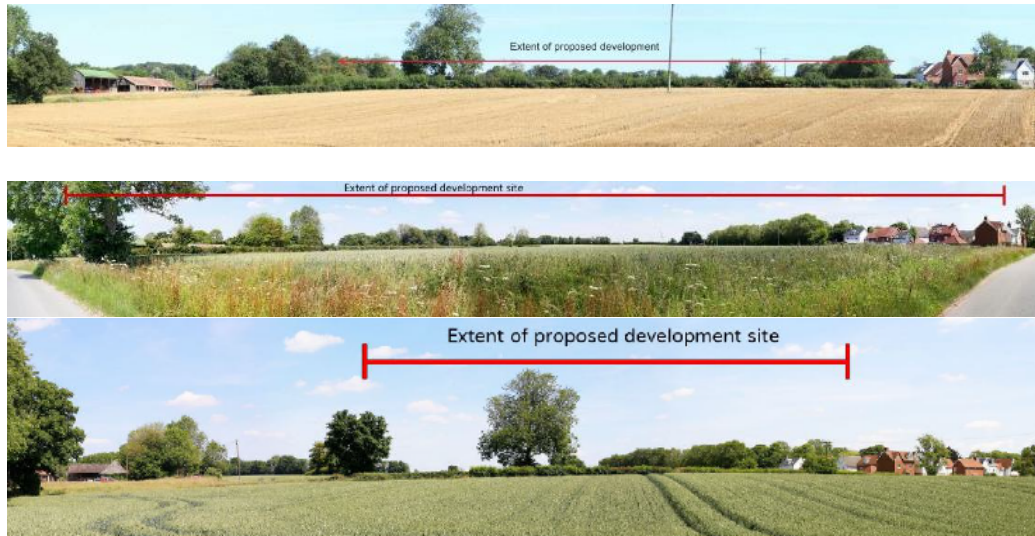
14.3.10 The visually abrupt edge in Eldridge Close would not appropriately justify further harm from the extension of urban qualities into a rural landscape that defines the edges of Hill Green and Stickling Green. It would be impossible to perceive a 1.4-hectare development with a 145m frontage as sensitive or proportionate mitigation to the adverse landscape effects of the existing housing next door. The landscape and visual effects perceived by sensitive receptors (residents in Eldridge Close, road and footpath users) would be severe due to their proximity to the site that changes fundamentally from a rural into an urbanised environment and from the lost sense of openness that is key in the landscape setting on both sides of the highway (see photographs). In addition, the proposed landscape buffer to the east of the site consists of green screening that can vary due to health, season and topography (i.e. ditch), and as such, it cannot be relied upon continuously.



⁶ Landscape and Visual Impact Assessment, pp.12-13.

⁷ Landscape and Visual Impact Assessment, p.12; see also Planning Statement, paragraphs 2.1 – 2.2; Design and Access Statement, paragraph 2.6.

⁸ Keep Clavering Rural – Application Review, paragraph 7.6.



- 14.3.11** Also, although other parts of Clavering have a more linear arrangement, the proposed linear pattern (shown in the indicative drawings) would not be spatially or visually compatible with the existing development patterns on this part of the village (east and west of the site) that have several layers of built form behind the road frontage. This is further evidence of how the proposal would fail to preserve the character and appearance of the area.
- 14.3.12** When quantified, **countryside harm** is significant. The site, by reason of its open nature and position as a gap between Hill Green and Stickling Green, positively contributes to the rural character and appearance of the area. The indicative drawings show that the proposed dwellings would extend the built form of the village to the west, as there are no other properties across the road that would justify ‘squaring off’ the local development pattern. Most importantly, the proposed development would visually and spatially merge the denser part of Clavering (Hill Green) with its looser periphery (Stickling Green). This coalescence would harm the visual amenity of the area due to the loss of the rural landscape that is distinctive in Stickling Green’s entrance and contributes to its sense of remoteness, as well as due to the extension of urban qualities within this rural landscape⁹. It would also detract from the currently open experience of the public footpaths to the north and south of the highway. The Landscape officer also raised **objections** as the location of the proposed development and the coalescence between Hill Green and Stickling Green would have detrimental impact on the openness of the countryside
- 14.3.13** Paragraph 130 of the NPPF states that planning decisions should ensure developments (c) are sympathetic to local character and history, including

⁹ The latter point is emphasised by the existing Public Right of Way network to the north and south of the road that currently allows uninterrupted views from the edge of the woodlands to the north-west of Hill Green (footpath no. 19) towards the edge of the Clavering Church Conservation Area (in winter months), as well as the agrarian setting on both sides of the road. Clear views through the site are also offered by the public footpath no. 14 to the south of the road (along the river).

the surrounding built environment and landscape setting and (d) establish or maintain a strong sense of place. The coalescence between Hill Green and Stickling Green that will result from the proposal would fail to maintain the defining characteristics of those places and/or be sympathetic to their landscape setting, and as such, the development would be contrary to paragraphs 130(c)-(d) of the NPPF.

14.3.14 The low density of the proposed development (see below) would not however reduce its significant harm to the countryside character and appearance of the site and area, as this is attributed primarily to the residential use of the site, plus the indicative drawings show significant built form (including outbuildings and 2-storey dwellings) that would cover the application site across its width, highlighting this new residential use and the inescapable domesticated appearance of the site.

14.3.15 Effective/efficient use of land:
Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment. Paragraph 125 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances: (c) LPAs should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the NPPF.

14.3.16 The application site covers an area of 14.5 hectares, and as such, the development of 6 no. units would result in a proposed density of 0.4 units per hectare for the site, which is well below the average densities in the area¹⁰. This housing density represents an entirely **inefficient use of the land** as a resource. The inefficient use of land would obstruct the continuous achievement of an appropriate supply of housing in the district and it would compromise the ability of future generations to meet their housing needs. This matter on its own is sufficient to outweigh the benefits that would result from the provision of just 6 no. self-build units. The proposal would conflict with paragraphs 119 and 125(c) of the NPPF. As there is a lack of identified land suitable for housing in the district, the proposal would also conflict with paragraph 124(a) of the NPPF. Accepting this density of housing would result in demonstrably greater demand for land, which would be likely to increase harm to the countryside.

¹⁰ For example, the density in Eldridge Close to the east is 35 units per hectare and the proposed density in the land to the rear of Eldridge Close (UTT/22/1578/OP – 32 no. dwellings) was 23 units per hectare. The Inspector in the dismissed appeal (APP/C1570/W/21/3267624 – UTT/20/1628/OP) for 9 no. units on that neighbouring site to the rear of Eldridge Close considered the density of 7 no. units per hectare to be unacceptable. The applicant concurs the proposal is a ‘low density development’ (Design and Access Statement, paragraph 4.2).

- 14.3.17** Notwithstanding the above, the application supports that paragraph 124(d) of the NPPF can justify a lower-density development, as it states that planning decisions should support development that makes efficient use of the land, taking into account (d) the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change. However, as explained above, the proposed development would be harmful to the local character, and it would be unreasonable to consider that the 'village green' and the inspiration from an interwar development trend¹¹ would properly justify such a low-density development.
- 14.3.18** Previously developed land:
The site is not previously developed land¹² as it is actively used for agriculture¹³, and as such it is greenfield land.
- 14.3.19** 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, notwithstanding the comments from third parties, 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 decisions are noted:
- **UTT/22/2917/OP** (Land West of Clatterbury Lane, Clavering):
Countryside harm was found to be limited as the development was 'squaring off' the existing built form at northern edge of Hill Green.
 - **UTT/22/1578/OP** (Land North of Eldridge Close, Clavering):
The application was refused by the planning committee against the officer's advice on the grounds of countryside harm, loss of BMV land and the lack of a s106 agreement to deliver the relevant contributions.
 - **UTT/20/1628/OP** (Land North of Eldridge Close, Clavering):
The appeal (APP/C1570/W/21/3267624) was dismissed on harm to the countryside character and appearance of the area and because of its failure to represent sustainable development. The Inspector emphasized the inefficient use of land and the loss of open countryside, leading to harm to the character and appearance of the area.
 - **UTT/22/1151/FUL** (Hedgerows, Clatterbury Lane, Clavering):
This development did not intrude onto the countryside, being an existing domestic curtilage and did not significantly harm the wider landscape character of the area.

¹¹ Planning Statement, paragraphs 6.48 – 6.50.

¹² In the context of the NPPF glossary and a Court of Appeal decision: Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

¹³ The applicant confirms this (see Design and Access Statement, paragraphs 2.3, 6.4).

- **UTT/22/0355/FUL** (Land South of Wicken Road, Clavering):
This development was considered ‘infilling’ and the officer wrote “*although the development is outside development limits, the site’s location is tacked on to the settlement of Clavering*”.
- **UTT/21/3648/OP** (Hill House, Wicken Road, Clavering):
This site was self-contained and previously developed land that would continue the linear built form in the area within the village.
- **UTT/21/2720/FUL** (Land West of Larkrise, Clavering):
This development was considered ‘infilling’ and the officer wrote “*although the development is outside development limits, the site’s location is tacked on to the settlement of Clavering*”.
- **UTT/21/2016/FUL** (Land Adj. Spinney Cottage, Clavering):
The proposal continued the existing pattern of development in the area within the village.

14.3.20 Conclusion:

The principle of the development is subject to additional material planning considerations, such as the impact of the proposal on heritage assets (see Section B), flood risk (see Section H) and the overall planning balance (see Section L).

14.4 **B) Heritage impacts and balance / Self-build plots / Appearance, scale, layout, landscaping / Climate change**

14.4.1 Heritage impacts:

Conservation reported in the vicinity of the site there is the Grade II listed Clavering Court Lodge, as well as potentially curtilage listed buildings (such as the historic barn north of Clavering Court Lodge and The Maltings to the south) and a non-designated heritage asset (Clavering Court). The application site shares a historic and functional relationship to the listed farmhouse and the curtilage listed buildings, as its open and rural nature contributes to our experience of the heritage assets and understanding of their significance and historic context¹⁴. Conservation also reported that local topography allows for some intervisibility between the site and the heritage assets, however, setting is defined in the NPPF Glossary as the surroundings in which a heritage asset is experienced, and as such, it is not limited to direct visual connections.

14.4.2 The proposed development, by reason of its residential use/urbanising effects and (illustrative) prominent built form, would in principle harm the significance of the above heritage assets, resulting in irreversible and permanent change to their setting, which contributes positively to that significance and our ability to appreciate it.

¹⁴ The application confirms this where it states that “*The undeveloped nature of the site and its agrarian use, are both factors in the contribution that the landscape setting makes to the significance of the heritage assets at Clavering Court Farm*” (Design and Access Statement, paragraph 6.1) and adds that the heritage assets “*are connected to the farmland by the use (farmland being the reason for the location of a farmstead) and by the grouping of the buildings*” (Design and Access Statement, paragraph 6.2). See also Heritage Statement, paragraphs 3.1, 3.4.

14.4.3 Therefore, the Conservation officer raised **objections**, as the proposed development would fail to preserve the setting, special interest and significance of the above listed building and curtilage listed buildings. The level of harm would be ‘less than substantial’ and likely towards the low end of the spectrum based on the indicative drawings. The proposal would be contrary to paragraph 202 of the NPPF, and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14.4.4 Heritage balance:

The application concurs with the LPA that the proposed development would result in ‘less than substantial harm’ to the significance of the heritage assets¹⁵ because it would adversely affect the isolation (remoteness) of the heritage assets and intrude on the visual appreciation of the connection between the assets and the site (such as the approach from Hill Green or the public footpath to the south of the road) through the change in character of the rural landscape¹⁶. Despite this, the application maintains that such harm is on a low–medium level¹⁷ and can be minimised or mitigated through¹⁸:

- a) The set back position of the proposed dwellings.
- b) Existing and proposed landscaping (including a landscape buffer to the east, ‘village green’ to the front).
- c) The limited number of units and scale restricted to two storeys.

14.4.5 However, it has been elaborated in Section A how the indicative position of the proposed dwellings across the full width of the site, as well as the proposed residential use and subsequent urbanising effects would be harmful to the rural character and appearance of the area. In addition, despite the limited intervisibility between the heritage assets and the application site, *“the landscape setting still contributes to the perception of this being a discrete farmstead and therefore contributes to its significance”*¹⁹.

14.4.6 Paragraph 202 of the NPPF states that where a development proposal will lead to ‘less than substantial harm’ to the significance of a designated heritage asset, this harm should be weighed against the *public benefits* of the proposal including, where appropriate, securing its optimum viable

¹⁵ See Planning Statement, paragraph 6.43; Design and Access Statement, paragraphs 6.6, 6.11.

¹⁶ Design and Access Statement, paragraphs 6.3 – 6.4; Landscape and Visual Impact Assessment, paragraph 6.2.1.

¹⁷ Design and Access Statement, paragraph 6.6. In addition, the Heritage Assessment submitted by a local community group (‘Keep Clavering Rural’) concurs that the proposal will lead to ‘less than substantial harm’ to the setting and significance of the same heritage assets, however, it places that harm at the middle end of the spectrum. In short, both parties and third parties agree that the proposal will lead to ‘less than substantial harm’ but disagree on the levels of this harm, with the LPA considering it to likely be at the low end, the applicant at the low-middle end, and third parties at the middle end of the spectrum.

¹⁸ Design and Access Statement, paragraphs 6.9 – 6.10.

¹⁹ Heritage Statement, paragraph 3.4.

use. The Conservation officer did **not** identify any heritage benefits from the proposed scheme. However, the heritage balancing exercise would require the above 'less than substantial harm' to be weighed against the public benefits of the scheme, which include:

- Provision of 6 no. self-build dwellings.
- Provision of 6 no. units to the 5YHLS.
- Landscape proposals ('village green' with public access to the south and landscape buffer to the eastern boundaries).
- Sustainable location.
- Ecological and biodiversity enhancements and net gains.
- Economic benefits.

14.4.7 By reason of the limited number of units proposed and the small overall contribution to the 5YHLS of the scheme, the above public benefits would be of limited weight (see Section L). In comparison, paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As such, the 'less than substantial harm' identified earlier to the listed and curtilage listed buildings would be afforded great weight. Therefore, the above public benefits would not outweigh the heritage harm of this scheme.

14.4.8 Paragraph 11(d) of the NPPF 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.

Footnote 7 of the NPPF includes policies relating to designated heritage assets. Therefore, considering the above analysis and heritage balancing exercise, the application of paragraph 202 of the NPPF that protect designated heritage assets provide a **clear reason for refusing** the development, as the scheme fails to comply with paragraph 11(d)(i) of the NPPF.

14.4.9 Self-build plots:

The proposed development seeks the erection of 6 no. self-build dwellings. Self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction.

The Self-Build and Custom Housebuilding Act 2015 (as amended) has placed a statutory 'duty to grant planning permission etc' on LPAs to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The same Act has also placed 'a duty as regards registers' on LPAs to have regard to each self-build and custom housebuilding register,

including Part 2 of the register, that relates to their area when carrying out their planning function.

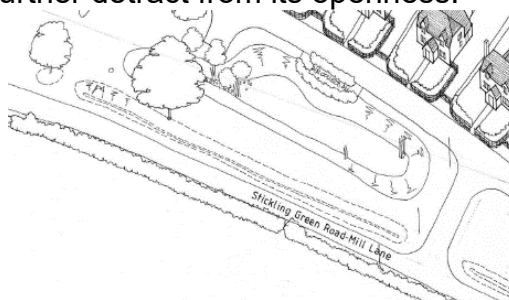
The LPA does not have a Local Plan policy on self-build and custom housebuilding; however, paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including people wishing to commission or build their own homes).

Notwithstanding the applicant's comments²⁰, the LPA has a surplus of planning permissions granted for serviced plots, as shown in the most recent progress report on self-build and custom housebuilding. Section 1(3) of the Self-Build and Custom Housebuilding Act 2015 considers as relevant authorities that must keep such registers the district councils (instead of the government), and as such, the evidence in the LPA's progress report hold greater weight than the ones submitted by the applicant. Following the Inspector's thought process in the appeal²¹ provided by the applicant, the surplus of planning permissions granted for serviced plots in Uttlesford means that the proposed 6 no. self-build units would only have limited weight in favour of the proposal. However, given the adverse impacts of the scheme (see Sections A, B and L), the proposal of these self-build units would not be tilting the planning balance in favour of the development even if it would be attributed significant weight.

14.4.10 Appearance, scale, layout, landscaping:

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

14.4.11 The indicative layout (see image) includes an attenuation basin within the publicly accessible 'village green' to the front of the site. This feature would accommodate surface water runoff from the proposed development²² and it would be located next to the vehicular access; for these reasons, the indicative layout would raise safety concerns, especially for children. Potential fencing around the attenuation basin would lead to further harm to the rural character and appearance of the area, as it would further detract from its openness.



²⁰ Planning Statement, paragraphs 6.27-6.28.

²¹ APP/W3520/W/23/3316136 (9 no. self-build/custom build dwellings, Suffolk) – appeal allowed on 27 June 2023.

²² Planning Statement, paragraph 6.40.

- 14.4.12** Notwithstanding the comments from nearby residents that the self-build nature of the project runs the risk of a mismatch of inappropriate appearance and design types for the proposed dwellings, there is no harm resulting at the current, outline stage, as the details of appearance would have to be reviewed by the LPA in reserved matters applications (if the scheme were acceptable).
- 14.4.13** Landscaping is **not** a reserved matter. The application proposes “*the retention and enhancements of large parts of the existing roadside hedge. The removal of a section of this hedge is required to provide the new access [...] A new hedgerow will be planted along the site’s northern boundary along with vegetation planting and landscaping along the site’s eastern boundary*”²³. The proposal does not include the loss of any trees or landscape features²⁴. Notwithstanding these, additional landscaping would not be appropriate mitigation for the countryside harm or the heritage harm identified above. If the scheme were acceptable, a landscaping conditions would be necessary to secure details of the proposed plantings.
- 14.4.14** Climate change:
The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. If the scheme were acceptable, the development would need to bring forward water and energy efficiency measures and construction techniques to ensure compliance with the above policies, as well as section 14 of the NPPF, including for example solar panels and air source heat pumps. Water efficiency would need to comply with the 110 litres per person per day set out in policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan. Although these green technologies may be benefits for the scheme, they would not be considered at this stage given the self-build nature of the proposals, plus they would not be adequate to eliminate or mitigate the heritage or countryside harm identified above.
- 14.4.15** Conclusion:
Considering the above, the heritage balance of the proposed development tilts against the scheme. The proposals would be contrary to paragraph 202 of the NPPF, policy ENV2 of the adopted Uttlesford Local Plan (2005), and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 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.

²³ Planning Statement, paragraph 4.3.

²⁴ Tree Survey, p.2.

- 14.5.2** In terms of the residential amenity of the occupants, the proposed dwellings would indicatively have 2-storeys²⁵ with unknown bedroom/persons occupancies (no internal layouts have been submitted and bedroom numbers are unknown at this stage). If the scheme were acceptable, the gross internal areas of the plots should exceed minimum thresholds set out in the Technical Housing Standards – Nationally Described Space Standard (NDSS).
- 14.5.3** The self-build dwellings must have private amenity spaces (gardens) above the 50sqm threshold for 1–2-bedroom properties and above the 100sqm threshold for any 3+ bedroom properties to comply with the 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** unconditionally to safeguard residential amenities (see Section F).
- 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 (if the scheme were acceptable) to ensure compliance with policy GEN2 of the Local Plan and paragraph 130(f) of the NPPF. This would include the application of the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, to assess whether any material overshadowing, overlooking (actual or perceived) and overbearing effects are considered. Based on the indicative drawings submitted with the current application, no such assessment can be performed beyond noting that some of the indicative drawings show upper floor and side windows (east).
- 14.6 D) Access and parking**
- 14.6.1** Access is **not** a reserved matter. From a highway and transportation perspective and notwithstanding the concerns of third parties, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord with the adopted Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF.
- 14.6.2** 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. If the scheme were acceptable, the development would need to demonstrate in the reserved matters application that it would meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), including appropriately sized parking spaces and carports or garages.

²⁵ Design and Access Statement, paragraph 6.9 and p.14.

14.7 E) Ecology

14.7.1 The Ecology officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures, as well as to avoid any harm to protected and priority species and habitats. The development would accord with paragraphs 43, 174(d) and 180 of the NPPF, and policies GEN7 and ENV8 of the Local Plan.

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 development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF.

14.9 G) Archaeology

14.9.1 Archaeology reported that *“a lies immediately to the west of the historic linear settlement along Clatterbury Lane and east of the historic settlement of Stickling Green with listed buildings dating to the sixteenth and seventeenth centuries. [...] There is therefore the potential for surviving medieval and post medieval archaeological deposits within the proposed development area”*. The Archaeology officer raised **no objections** subject to conditions. The development would comply with paragraph 192(b) of the NPPF, and policy ENV4 of the Local Plan.

14.10 H) Flood risk and drainage

14.10.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary in such areas, making it safe for its lifetime without increasing flood risk elsewhere (see paragraphs 159-169 of the NPPF).

14.10.2 Although the site falls within Flood Zone 1, footnote 55 in paragraph 167 of the NPPF states that a site-specific Flood Risk Assessment (FRA) should accompany all proposals in Flood Zone 1 involving sites of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. Both these criteria apply on this occasion; however, an FRA has not been submitted with the application. The following images show the extent of flooding from rivers and from surface water.



14.10.3 Paragraph 167 of the NPPF states, amongst other things, that development should only be allowed in areas at risk of flooding where, in the light of the site-specific flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

14.10.4 Essex County Council (as the Lead Local Flood Authority, LLFA) raised **objections** as no FRA or drainage strategy has been submitted. The LLFA considers flood risk and drainage in relation to surface water (pluvial flooding), whereas the Environment Agency assesses fluvial flooding. The LLFA objection means that it has not been demonstrated that the proposed development would not increase flood risk on the site or elsewhere nor that the operation of the proposed SUDS would be effective, contrary to paragraph 167 of the NPPF and policy GEN3 of the Local Plan. This could place an unacceptable risk to human lives and lead to property damages, and as such, the technical objection from this statutory consultee attracts significant weight.

14.10.5 The Environment Agency **refrained** from commenting.

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; being relevant on this occasion. The self-build nature of the proposals and the indicative drawings submitted with the application would not allow for the housing mix to be assessed at the outline stage.

14.11.2 The 40% affordable housing contribution required by policy H9 of the Local Plan would not be triggered on this occasion. Despite the scheme

comprising 'major development' for the purposes of the NPPF²⁶ and Article 2(e) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, exemption (c) of paragraph 65 of the NPPF is triggered as the proposal involves self-build units only. Paragraph 65 states that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership; exemptions to this 10% requirement should be made where the site (c) is proposed to be developed by people who wish to build or commission their own homes. Therefore, affordable housing or a commensurate contribution cannot be required by this development.

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 paragraph identifies those matters that the LPA 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 development fails to provide the necessary mechanism to secure the following planning obligations that comply with CIL regulations and paragraph 57 of the NPPF:

- Provision of publicly accessible 'village green' to the south and landscape buffer to the east.
- Provision of wheelchair accessible and adaptable dwellings.
- Provision of self-build plots (restrictions on occupancy and re-sale).
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

14.12.3 If the scheme were acceptable, a legal agreement to secure the above Heads of Terms would be expected to be signed, to ensure the proposal would accord with policy GEN6 of the Local Plan, which seeks to secure the required provision of appropriate infrastructure to mitigate the impacts of the development.

14.13 K) Other matters

²⁶ 'Major development' is defined in the NPPF Glossary (p.69): 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 1,000sqm 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.

14.13.1 Article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states:

Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

14.13.2 Additional details to formally consider the matters of scale and layout were required by the LPA on 21 July 2023 (the application was validated on 20 July 2023). The applicant has repeatedly refused to provide the additional information required, contrary to the provisions of the above Order 2015. The LPA have asked for the additional information as they expressed concerns at pre-application stage, including potential impacts to the countryside character and appearance of the area, as well as potential heritage impacts due to the site's proximity to listed and curtilage listed buildings. The analysis in this report and comments from Conservation have indeed shown how the assessment would benefit from the above information.

14.14 L) Planning balance

14.14.1 The following public benefits²⁷ of the scheme are discussed in the next paragraphs:

- Provision of 6 no. self-build dwellings – limited weight.
- Provision of 6 no. units to the 5YHLS – limited weight.
- Landscape proposals ('village green' with public access to the south and landscape buffer to the eastern boundaries) – limited weight.
- Ecological and biodiversity enhancements and net gains – limited weight.
- Economic benefits – limited weight.

14.14.2 The net contribution of 6 no. units to the 5YHLS would be a meaningful but rather limited public benefit arising from the development, as it would make little difference to the overall supply of housing in the district.

14.14.3 The location of the site away from the most sustainable part of the village (south Clavering) that contains most of the local services and facilities, as well as the lack of everyday and easily accessible public transport would make the overall location of the development unsustainable, and as such, the location would not be considered a public benefit that would weigh in favour of the development.

²⁷ See Planning Statement, paragraph 6.5; see also Summary of Public Benefit; and various sections in the Design and Access Statement and the Design and Access Statement Part 2.

- 14.14.4** The proposal would provide 6 no. self-build plots. The government encourages this form of housing provision, but the available evidence indicates that there is no unmet need in the area and the scale of provision is modest. There is no shortfall for serviced plots, as per the LPA's latest progress report on self-build and custom housebuilding. Therefore, limited weight can be attached to the public benefit.
- 14.14.5** The landscape proposals with a publicly accessible 'village green' to the site's frontage and a landscape buffer to its eastern boundary would be limited as green screening cannot be relied upon continuously and the extension of urban qualities into the rural landscape would not be avoided or sufficiently mitigated, and as such, this public benefit would attract limited weight.
- 14.14.6** The proposal would be able to offer ecological and biodiversity enhancements and net gains; these matters would only attract limited weight.
- 14.14.7** The proposal would also provide a modest contribution towards the wider local economy during and post construction. However, the limited number of units proposed means that the public benefit would also be limited to its extent.
- 14.14.8** On the other hand, the adverse impacts of the proposed development include:
- Heritage harm to the setting and significance of listed and curtilage listed buildings – great weight.
 - Harm to the countryside character and appearance of the countryside and the areas of Hill Green and Stickling Green – significant weight.
 - Inefficient use of the land – significant weight.
 - Potential flood risk increase on site and/or elsewhere due to insufficient information to demonstrate otherwise – significant weight.
 - Lack of mechanism to secure the provision and management of public open spaces, the provision of and restrictions on the self-build plots, etc. – significant weight.
- 14.14.9** It has been concluded in Section B that Conservation would have in-principle concerns with the proposed development, as it would fail to preserve the setting, special interest and significance of one listed and two curtilage listed buildings²⁸, causing 'less than substantial', contrary to paragraph 202 of the NPPF, policy ENV2 of the Local Plan, and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

²⁸ Clavering Court Lodge (Grade II).
Historic barn north of Clavering Court Lodge (curtilage listed building)
The Maltings to the south (curtilage listed building).

- 14.14.10** Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, *great weight* should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, great weight would be afforded to the heritage harm caused by the proposal.
- 14.14.11** The landscape and visual harm to the rural character and appearance of the site and area has been found to be significant in Section A of this report. As the conflict with part of policy S7 would reflect a direct conflict with paragraph 174(b) of the NPPF, the harm that the proposal would cause to the character and appearance of the area is considered significant.
- 14.14.12** The proposed housing density has been found in Section B to represent an entirely inefficient use of the land as a resource would obstruct the achievement of an appropriate supply of housing in the district and it would compromise the ability of future generations to meet their housing needs. This matter on its own is sufficient to outweigh the benefits that would result from the provision of just 6 no. self-build units. As the NPPF in paragraph 125(c) directly requires that LPAs should refuse applications which they consider fail to make efficient use of land, this policy conflict and adverse impact of the proposed development would be afforded significant weight.
- 14.14.13** As no information has been submitted to demonstrate otherwise, the proposal would potentially increase flood risk on site and/or elsewhere, which could endanger human lives and/or damage properties, which would attract significant weight.
- 14.14.14** Finally, the development would fail to provide the necessary mechanism (such as a s106 agreement) to secure the following planning obligations that comply with CIL regulations and paragraph 57 of the NPPF:
- Provision of publicly accessible 'village green' to the south and landscape buffer to the east.
 - Provision of wheelchair accessible and adaptable dwellings.
 - Provision of self-build plots (restrictions on occupancy and re-sale).
 - Payment of the Council's reasonable legal costs.
 - Payment of monitoring fee.
- 14.14.15** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

15.2 Human Rights

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

16. CONCLUSION

- 16.1** The heritage and planning balances found that the application of policies in the NPPF that protect assets of particular importance would provide a clear reason for refusing the proposed development and that the adverse impacts of the proposed scheme would significantly and demonstrably outweigh the benefits.
- 16.2** Overall, for the reasons given in this report, the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the NPPF and the benefits of the proposal, which would indicate that the development should be determined other than in accordance with it.
- 16.3** It is therefore recommended that the application be refused on the grounds specified in section 17 of this report.

17. REASONS FOR REFUSAL

- 1** The application of paragraph 202 of the National Planning Policy Framework (2023) that protect designated heritage assets of particular importance provides a clear reason for refusing the proposed development under paragraph 11(d)(i) of the Framework. The principle of the development is not acceptable. Therefore, the proposal fails to comply with the National Planning Policy Framework (2023).
- 2** The proposed development, by reason of its location and residential use, would fail to preserve the setting, special interest and significance of a listed building and two curtilage listed buildings, causing 'less than substantial harm'. The harm to the significance of the designated heritage assets would not be outweighed by the public benefits of the proposal. Therefore, the proposal would fail to accord with policy ENV2 of the adopted Uttlesford Local Plan (2005), section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (2023).
- 3** The proposed development would introduce built form in the countryside with urbanising effects, failing to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The proposal, by reason of its location, residential use and linear development pattern, would harm the open and rural landscape through the extension of urban qualities into it, to the detriment of the character and appearance of the countryside and of the edges of Stickling Green and Hill Green. The adverse impacts of the development would significantly and demonstrably outweigh its minimal benefits. Therefore, the proposal would fail to comply with policies S7 and GEN1(e) of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).
- 4** Notwithstanding the reasons for refusal above, the proposed housing density of the scheme would represent an inefficient use of the land, which would obstruct the achievement of an appropriate supply of housing in the district and it would compromise the ability of future generations to meet their housing needs. Therefore, the proposal would be contrary to paragraphs 119, 125(c) and 124(a) of the National Planning Policy Framework (2023).
- 5** Insufficient information has been submitted with the application to demonstrate that the proposed development would not increase flood risk on the application site and/or elsewhere, contrary to paragraph 167 of the National Planning Policy Framework (2023), and policy GEN3 of the adopted Uttlesford Local Plan (2005).

6 Insufficient information has been submitted with this application with respect to the scale and layout of the proposed development; the Local Planning Authority are therefore unable to accurately assess the level of 'less than substantial harm' caused by the development to a listed building and two curtilage listed buildings, as confirmed in reason for refusal 2. In the absence of this information (which was requested on 21 July 2023), the proposal is contrary to policy ENV2 of the adopted Uttlesford Local Plan (2005), and paragraph 202 of the National Planning Policy Framework (2023).

7 The application does not include a mechanism such as a S106 legal agreement to secure;

- i. Provision of Public Open Space
- ii. Provision of self-build plots
- iii. Provision of accessible and adaptable dwellings
- iv. Pay the Council's reasonable legal costs
- v. Pay the monitoring fee.

Therefore, the proposal would be contrary to policy GEN6 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/23/1731/OP
Our Ref: 57037
Date: 27th September 2023



Essex County Council

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/23/1731/OP
Applicant Mr Matthew Thomas
Site Location Land North Of Stickling Green Clavering Essex
Proposal Outline planning application with all matters reserved except access for the development of 6 no. self-build homes with a new village green, landscaping and associated infrastructure.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

1. Prior to occupation of the development 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. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
2. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 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. Prior to occupation of the development, a 2-metre footway from the site access to connect with the existing footway to the East, shall be provided. For the avoidance of

doubt, this shall include full depth construction and surfacing. Technical details to be agreed with the Highway Authority. **Reason:** In the interest of highway safety and accessibility.

4. Prior to occupation of the development, a technical scheme to be agreed with the Highway Authority for the provision of improvements to the existing carriageway, to include but not limited to, installation of kerbs, improvements in drainage of the Highway and/or carriageway widening if and where necessary, as well as any other works deemed necessary by the Highway Authority, from the site's access to the junction of Eldridge Close, shall be provided. **Reason:** In the interest of highway safety and accessibility.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of 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
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
7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - i. 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. 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 commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- 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.



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk

APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

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



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 5th October 2023
Our Ref: SUDS-007063
Your Ref: UTT/23/1731/OP

Dear Sir/Madam,

Consultation Response – UTT/23/1731/OP - Land North Of Stickling Green Clavering Essex

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

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

In providing advice this Council, and their appointed consultants, 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 documents which accompanied the planning application, we would recommend the **issuing of a holding objection** based on the following:

- There is no drainage strategy or flood risk assessment. Please provide us with a flood risk assessment and drainage strategy to review.

The information provided does not allow us to assess the flood risk development. Please provide information as required within the new ECC SUDS design guide: <https://www.essexdesignguide.co.uk/suds/what-we-expect/>

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

Should further correspondence be required, please contact the SuDS team directly using the below details.

Yours sincerely

Anna Murphy

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 3 – ENVIRONMENT AGENCY

From: EastAnglia, Planning
Sent: Thursday, October 5, 2023 2:54 PM
To: Avgerinos Vlachos
Subject: RE: [External]>> RE: Consultation response - UTT/23/1731/OP

Good afternoon Avgerinos,

Thank you for your email. I can confirm that we have no comments regardless of the size of the application site. I hope this helps.

Kind regards,

Lucy Fielder
Sustainable Places Planning Advisor | East Anglia area
Environment Agency | Icen House, Cobham Road, Ipswich, Suffolk IP3 9JD

Typical working pattern: 9:00 – 17:00 Monday to Friday





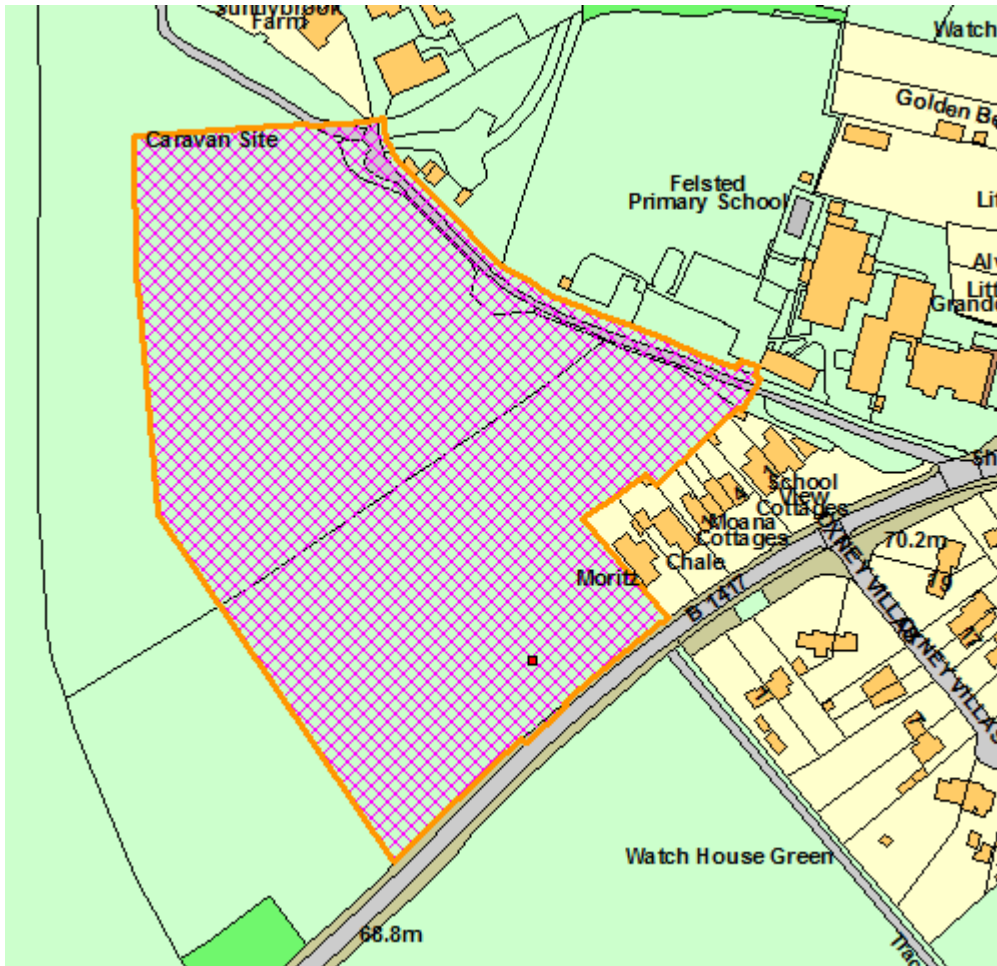
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 25 October 2023

REFERENCE NUMBER: UTT/23/1412/FUL

LOCATION: Sunnybrook Farm, Braintree
Road, Felsted,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council - Date: 19th January 2023

PROPOSAL: S73 application to vary condition 2 (approved plans of UTT/23/0364/NMA following approval of UTT/20/1882/FUL (construction of 24 dwellings and school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping)

APPLICANT: Troy Homes

AGENT: Phase 2 Planning

EXPIRY DATE: 1 September 2023

EOT Expiry Date 31 October 2023

CASE OFFICER: Tom Gabriel

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** The scheme seeks planning permission for a residential development of 24 units (Use Class C3) and a school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping.
- 1.2** The amended layout and design of the proposed development is acceptable in all regards and will provide a high-quality form of accommodation for its future residents without harm the character and appearance of the area, or to amenity or highway safety.

2. RECOMMENDATION

That the Strategic 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 Strategic Director of Planning shall be authorised to **REFUSE**

permission following the expiration of a 6 month period from the date of Planning Committee.

3. SITE LOCATION AND DESCRIPTION:

3.1 The site lies on the northern side of Braintree Road at the western edge of Watch House Green and comprises an irregular shaped and relatively flat area of maintained meadow land comprising 2.85 ha. The site is bordered along its post and railed north-eastern boundary by a long vehicular access track/ public footpath leading from Braintree Road to Sunnybrook, whilst Felsted Primary School fronts onto the access track on its immediate north-east side. A line of bungalows and relatively new 1½ storey dwellings face onto Braintree Road at the front south-eastern corner of the site. The site is bordered along the remainder of its road frontage boundary onto Braintree Road and also along its western flank boundary by trees and mature hedgerow.

4. PROPOSED DEVELOPMENT

4.1 This S73 planning application is to vary condition 2 (approved plans) of UTT/23/0364/NMA following approval of UTT/20/1882/FUL for the construction of 24 no. dwellings and a school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping.

4.2 The application differs from the approved scheme on the site in the following ways;

- change to the mix of dwellings from 8 x 2 bed; 11 x 3 bed and 5 x 4 bed to 16 x 2 bed; 3 x 3 bed and 5 x 4 bed.
- removal of the substation and a parking space;
- removal of the studio garages and their replacement with detached double garages on plots 12 – 15;
- visitor spaces to the north of site consolidated;
- plots 17-20 moved forward to increase garden sizes and parking court removed;
- garages to Plots 5, 6, 13, 14, 15 and 16 moved forward increasing garden sizes.
- dwellings parallel to western boundary repositioned to accommodate relocated garages;
- minor repositioning of Plots 1-4 and 21-24 to increase space between dwellings to enable widening of parking spaces as per M4(2) requirements;
- visitor parking space relocated to parallel bays adjacent to Plots 4 and 21;
- plot 6 double garage changed into single garage, removed two private drive spaces and repositioned; and
- repositioning of plots 7-15 to maintain space between dwellings

4.3 The application is accompanied by the following reports to inform the proposal:

- Covering letter
- Decision notices of UTT/20/1882/FUL and UTT/23/0364/NMA
- Pre- application meeting notes
- Application form
- Plans and elevations of all house types
- Car park area plan 5
- Single garage plans and elevations
- Street scene plan
- Location plan

4.4 A copy of the reports for applications UTT/20/1882/FUL and UTT/23/0364/NMA are attached as Appendix 1 to this committee report.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The proposed development would constitute Schedule 2 works for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Infrastructure development), although the site is not within a sensitive area and an Environmental Statement is not required for the application.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/20/1882/FUL	Construction of 24 no. dwellings and school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping	Conditional permission
UTT/23/0363/NMA	Non material amendment to UTT/20/1882/FUL - Additional condition stating 'The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and drawing number detailed below submitted therewith, unless the local planning authority otherwise agrees in writing'	Conditional permission
UTT/23/1946/DOC	Application to part discharge condition 18 (written scheme of investigation) of UTT/20/1882/FUL	Discharged in part

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority (from UTT/20/1882/FUL)

8.1.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective, subject to highway conditions.

8.2 Lead Local Flood Authority (from UTT/20/1882/FUL)

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

8.2.2 Having reviewed the proposed modifications to the scheme, we consider that they will have no impact on drainage of the site. Consequently, we do not wish to comment in this instance.

9. PARISH COUNCIL COMMENTS

9.1 No comment.

10. CONSULTEE RESPONSES

10.1 Anglian Water (from UTT/20/1882/FUL)

10.1.1 Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted: "Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence".

10.1.2 Section 2 - Wastewater Treatment

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

10.1.3 Section 3 - Used Water Network

This response has been based on the following submitted documents: FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY. The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development if permission is granted. It will need to work with the applicant to ensure that any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information; the applicant has not submitted a connection point or regime (discharge rate) for the site. We therefore request a condition requiring an on-site drainage strategy.

10.1.4 Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

10.1.5 Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3) We have no objection subject to the following condition: Condition: Prior to the construction above damp-proof course, a scheme for on- site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved

in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason: To prevent environmental and amenity problems arising from flooding.

10.2 UDC Environmental Health

The Environmental Protection Team have no objection to the proposed variation of condition 2.

10.2 Essex Police

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

10.3 Manchester Airports Group

10.3.1 The Safeguarding Authority for Stansted Airport has no aerodrome safeguarding objections to the proposal.

10.4 UDC Housing

10.4.1 Both FVAs for the site concluded that no affordable housing provision can reasonably be provided upon the site and so I have no further comments/ observations to make regarding the application

10.5 Landscaping (from UTT/19/1789/FUL)

10.5.1 I do not have any landscaping objections to the proposed scheme of landscaping as submitted on the revised Planting Plan other than I would wish to see the proposed planting of birch substituted with field maple.

10.6 ECC Ecology (from UTT/20/1882/FUL)

10.6.1 No objection subject to securing biodiversity mitigation and enhancement measures by condition and also a financial contribution being sought towards visitor management measures at the Blackwater Estuary SPA and Ramsar site in line with the Essex coast RAMS for impacts from residential development within the ZOI specified in combination with other plans and projects.

10.7 Education (from UTT/20/1882/FUL)

- 10.7.1** I have assessed the application on the basis of 24 houses. A development of this size can be expected to generate the need for up to 2.16 Early Years and Childcare (EY&C) places 7.20 primary school, and 4.80 secondary school places. Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.
- 10.7.2** Early Years and Childcare: A developer contribution of £37,299 is being sought to mitigate the proposed development's impact on local EY&C provision.
- 10.7.3** Primary Education: This development is adjacent to Felsted Primary School. The school has a Published Admission Number of 30 places per year. At the last schools' census in January, the school had in excess of this number in four of its year groups, including two bulge groups in year's 4 and 5. Provisional figures indicate that the school was again full in Reception this September and a waiting list is in operation. Forecasts for the wider area, set out in the Essex School Organisation Service's '10 Year Plan', indicate growing demand for primary school places across the wider school place planning area, which includes Flich Green Primary and Stebbing Primary schools (Uttlesford Group 7). Stebbing Primary School is expanding to offer 10 extra places per year but, by the end of the Plan period, up to 15 will be required across the Group. Based on the demand generated by this proposal as set out above, a developer contribution of £124,330, index linked to January 2020, is sought to mitigate its impact on local primary school provision.
- 10.7.4** Secondary Education: A developer contribution is not sought for this development.
- 10.7.5** School transport: Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution. However, the developer should ensure that safe direct walking and cycling routes to local schools are available. In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare and primary education. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.
- 10.7.6** If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare and primary education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.
- 10.8** **Place Services (Archaeology)** (from UTT/20/1882/FUL)

- 10.8.1 The Historic Environment Advisor has identified the application as having potential for surviving archaeological deposits.
- 10.8.2 The following recommendation is in line with the National Planning Policy Framework:
- 10.8.3 Recommendation: A Programme of Trial Trenching followed by Open Area Excavation.

11. **REPRESENTATIONS**

- 11.1 Neighbours were notified of the application by letter and the application was advertised by means of a site notice and a press notice.
 - 11.1.1 No responses have been received.

12. **MATERIAL CONSIDERATIONS**

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

- 12.1.1 Section 73 of the Town and Country Planning Act (as amended) refers to the determination of applications to develop land without compliance with conditions previously attached:

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

(2A) See also section 100ZA, which makes provision about restrictions on the power to impose conditions under subsection (2) on a grant of planning permission in relation to land in England.

(3) Special provision may be made with respect to such applications—

(a) by regulations under section 62 as regards the form and content of the application, and

(b) by a development order as regards the procedure to be followed in connection with the application.

(4) This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.

(5) Planning permission must not be granted under this section for the development of land in England to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—

(a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made.

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

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

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

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

c) any other material considerations.

12.2 The Development Plan

- 12.2.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Planning Policy for Travellers Sites (2015)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

- 13.2.1** S7 – The Countryside
- ENV4 – Ancient Monuments and Sites of Archaeological Importance
- ENV5 – Protection of Agricultural Land
- ENV15 – Renewable Energy
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix
- LC3 – Community Facilities
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards

13.3 Felsted Neighbourhood Plan (made 25th February 2020)

- 13.3.1** FEL/HN1 – Meeting Housing Needs
- FEL/HN2 – Land at Braintree Road (Sunnybrook Farm)
- FEL/HN5 – Residential Development Outside Development Limits
- FEL/HN7 – Housing Mix
- FEL/HN8 – Habitats Regulations Assessment
- FEL/ICH1 – High Quality Design
- FEL/ICH4 – Avoiding Coalescence
- FEL/CW1 – Landscape and Countryside Character
- FEL/CW3 – Footpaths, Bridleways and Cycleways
- FEL/INF1 – Flood Risk

13.4 Other Material Considerations:

- 13.4.1** Essex Design Guide
- Essex County Council Parking Standard (2009)
- Uttlesford District Council Parking Standards (2013)
- Accessible Homes and Play Space
- Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- A) Principle of development - Felsted Neighbourhood Plan Allocation Site for housing with school car park / countryside protection / flood risk / loss of agricultural land / general sustainability principles**
- B) Proposed access and parking arrangements**

- C) Scale of development**
- D) Layout**
- E) Appearance**
- F) Proposed landscaping measures**
- G) Impact on residential amenity**
- H) Affordable housing considerations**
- I) Drainage**
- J) Impact upon protected / priority species**

14.2 A) Principle of development - Felsted Neighbourhood Plan Allocation Site for housing with school car park / countryside protection / flood risk / loss of agricultural land / general sustainability principles

14.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states planning applications must be determined in accordance with the planning policies in the Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (NPPF) are also a material planning consideration, particularly where the policies in the Development Plan are considered to be out of date. The NPPF provides the statutory guidance for determining planning applications at a national level. The Development Plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 18 years old and pre-dates the NPPF (2023).

14.2.2 The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes in the right place at the right time to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.

14.2.3 Paragraph 11d of the NPPF states where there are no relevant Development Plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the Local Planning Authority cannot demonstrate a five year housing land supply), the Local Planning Authority should grant planning permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

14.2.4 The principle of the development has been established through the grant of the previous permissions on the site (ref. UTT/20/1882/FUL and UTT/23/0364/ NMA). The issues to consider in this application are whether the proposed amendments to the approved schemes on the site are

sufficiently different to warrant a different outcome to the application. The differences between the schemes are listed above under the 'Proposed Development'.

14.2.5 The proposed amendments to the approved schemes on the site are, within the context of the overall development, limited. The amendments would not have a material impact on the character and appearance of the development as a whole and would not detract from it. They would not have any greater impact upon the surrounding countryside, in accordance with Policy S7 of the Local Plan. The sustainability considerations surrounding the proposed development would not alter as a result of the amendments to the development on the site. There would be no greater flood risk arising from the development as a result of the proposed amendments to it, either.

14.3 B) Proposed access and parking arrangements

14.3.1 Applicants and developers are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can be easily and safely accommodated within the existing highway network (Policy GEN1). Policy GEN8 of the Local Plan refers to the Council's adopted Car Parking Standards.

14.3.2 The amended development would use the same access arrangements to which the Highway Authority raised no objection at the time of the previous application. The amendments to the split of the housing across the development (eight more two bed and eight less three bed dwellings) would not be significant and would not result in a greater demand for parking on the site. This would also result in a reduction in the number of vehicles using the highway network.

14.3.3 No objections are therefore raised to the amended scheme with regard to Policies GEN1 or GEN8 of the Local Plan or Policy FEL/HN2 of the Felsted Neighbourhood Plan.

14.4 C) Scale of development

14.4.1 Policy GEN2 of the Local Plan and the NPPF require new development, including its scale and design, to be in keeping with the surrounding buildings.

14.4.2 The scale of development would not materially alter as a result of the proposed amendments to the development on the site. The scheme would remain at 24 dwellings and while there would be a change to the number of two and three bedroom dwellings on the site, this would not have a material impact upon the scale of the development overall.

14.4.3 No objections are therefore raised to the proposed amendments to the approved scheme on the site in terms of its scale.

14.5 D) Layout

14.5.1 Policy GEN2 of the Local Plan and the NPPF require new development to be compatible with the scale and layout of the surrounding buildings.

14.5.2 As with the approved scheme on the site, the proposed housing layout would incorporate a gently curving spine road which would form the dominant layout feature for the scheme. The layout of the dwellings in the development would remain largely as previously approved and accordingly, the proposal would be compatible with the surrounding area, in accordance with the quoted policy and guidance.

14.6 E) Appearance

14.6.1 Policy GEN2 of the Local Plan, Policy FEL/ICH1 and the NPPF require development to be of a suitable appearance for and to be compatible with its surroundings.

14.6.2 The appearance of the dwellings in the current application are not materially different to those in the approved schemes on the site. The scheme therefore accords with the above policies and guidance.

14.7 F) Proposed landscaping measures

14.7.1 The proposed amended scheme would result in the re-siting of the dwellings on plots 17- 20 slightly forward in their plots, to allow for larger rear gardens for them. However, within the overall development, the provision of landscaping would be as in the approved scheme on the site and no objections are raised with regard to landscaping.

14.8 G) Impact on residential amenity

14.8.1 Policies GEN2 and GEN4 of the Local Plan and the NPPF require dwellings to have an acceptable impact upon the amenities of the occupiers of the neighbouring and surrounding dwellings and within new development schemes, upon each other.

14.8.2 The siting and layout of the proposed dwellings in the amended scheme would not be materially different from the approved development on the site and there would be no new material overlooking or loss of privacy arising in the scheme.

14.8.3 The proposed development therefore complies with the above policies and guidance.

14.9 H) Housing Mix

14.9.1 Policy H10 of the Local Plan states developments on sites of 0.1 hectares or more or 3 dwellings or more will be required to include a significant

proportion of market housing comprising smaller dwellings. Policy FEL/HN7 of the Felsted Neighbourhood Plan states new housing development will be supported where it provides;

- two-bedroom or three-bedroom accommodation suitable for young families; or
- homes suitable for older people that can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs; or
- other types of accommodation identified in the latest assessment of local housing needs; and/or
- affordable housing.

14.9.2 Part (viii) of Policy FEL/HN2 re iterates these requirements.

14.9.3 The mix of dwellings proposed in this application has been amended by a reduction in the number of three-bedroom units by eight and a corresponding increase in the number of two-bedroom units. This amended mix accords with Policies FEL/HN2 and FEL/HN7 of the Felsted Neighbourhood Plan which require a significant proportion of two- and three-bedroom accommodation suitable for young families and for older people. It is considered that this reflects the housing needs set out in the Council's latest Strategic Housing Market Assessment too.

14.9.4 The range of dwellings would be between two and four bedrooms, with the mix including houses and bungalows, as follows.

Dwelling type	No of dwellings	% of housing mix
2 bed house	12	50
2 bed bungalow	4	16.67
3 bed house	3	12.5
4 bed house	5	20.83
Total	24	100

14.9.5 It is considered that this mix of dwellings generally reflects the mix of dwellings as required by Policy FEL/HN7 of the Neighbourhood Plan and Policy H10 of the Local Plan.

14.10 I) Affordable housing considerations

14.10.1 The application UTT/20/1882/FUL was submitted without any affordable housing element as the applicant stated that the ability to provide such housing was severely hampered by the costs of the development. It was also stated that the provision of a significant amount of affordable housing already in the parish of Felsted in recent years is such that the Parish Council would not expect to see affordable housing provision in the development at Sunnybrook Farm. As no affordable housing was required at the time of the previous scheme on the site and there have no been any

material alterations to the policy framework surrounding the application in the intervening period in this regard, it is considered reasonable not to require any at this time.

- 14.10.2** UDC Housing have stated that as the viability assessments for the site concluded that no affordable housing provision can reasonably be provided upon the site, they have no comments/ observations to make.

14.11 J) Drainage

- 14.11.1** The amendments to the approved scheme on the site would have no implications for drainage to be provided on the site. The development is considered to be acceptable from a drainage point of view, subject to the implementation of the drainage scheme, as previously proposed by condition.

14.12 K) Impact upon protected / priority species

- 14.12.1** The amendments to the approved scheme on the site would have no implications for protected or priority species. The biodiversity enhancements as required by condition in the previous application may be applied to the new development scheme too.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

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

16. CONCLUSION

16.1 The submitted application for a school car park for Felsted Primary School with enabling housing as a key local infrastructure project evidenced on local need as identified within the made Felsted Neighbourhood Plan (Land at Braintree Road - Sunnybrook Farm - FNP FEL/HN2) is considered acceptable both in principle and in matters of detail against national planning policy and against both adopted Local Plan policy and made Neighbourhood Plan policy for the reasons as set out in this report.

16.2 It is therefore recommended that the application be approved subject to appropriate planning conditions and the applicant entering into a Section 106 Agreement.

17. S106 / CONDITIONS

17.1 Heads of terms:

- Construction of a 90-no. space school/community car park, complete with landscaping, drainage and enclosures.
- Transfer of the completed school/community car park to Felsted Community Trust (or other body designated by Felsted Parish Council) with assignable contractor warranty.
- Provision of a maintenance sum of £10,000 (ten thousand pounds) to Felsted Community Trust (or other body designated by Felsted Parish Council) in respect of the future maintenance of the school/ community car park.
- Construction of a new pedestrian entrance and related works to the south-west side of Felsted Primary School.
- Construction/re-surfacing of the public footpath between Braintree Road and the application site, complete with drainage.
- Provision of an equipped Local Area for Play (LAP) and arrangements for its management and maintenance.
- Management and maintenance of the SUDS drainage scheme, including the drainage attenuation area.
- Management and maintenance of public open space.
- Financial contributions towards mitigating impacts upon the Blackwater Estuary SPA/Ramsar site (pursuant to the Essex RAMS/tariffs).
- Financial contribution of £10,000 for funding: (a) a consultation by Essex County Council with the North Essex Parking Partnership and (as may be required) the public; and (b) the costs of making a Traffic Regulation Order (TRO) and carrying out of TRO approved works for extending school waiting restrictions, complete with road marking and signage along Braintree Road in the vicinity of Felsted Primary School.
- Pay the Council's reasonable legal costs.

- Pay the monitoring fee.

17.2 Conditions

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of the original planning permission UTT/20/1882/FUL, 15 August 2025.

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

- 2** Prior to commencement of development, full details of both hard and soft landscape works, including details of planting for the landscaping buffer proposed for the western boundary of the site, the proposed copse at the northern end of the site, internal swale areas, public open space areas and the proposed car park, shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:- a) proposed finished levels b) means of enclosure c) hard surfacing, other hard landscape features and materials d) existing trees, hedges or other soft features to be retained e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife g) details of siting and timing of all construction activities to avoid harm to all nature conservation features h) location of service runs i) management and maintenance details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To ensure that the development can be properly assimilated in time into the local landscape at this location to reduce its visual impacts.

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

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 4** Prior to commencement of development, details of the materials to be used in the external finishes of the dwellings as approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of preserving the visual amenities of the area in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development has a satisfactory appearance.

- 5** Prior to the commencement of development, details of any external lighting to be installed for the proposed car park, 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. Only the details thereby approved shall be implemented.

REASON: In the interests of residential amenity protection in accordance with Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005).

- 6** Prior to commencement of development, a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site.
 - j) Provision for new footpath/linkages to existing footpath network. The approved BMP shall be adhered to and implemented throughout the

construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To conserve Protected and Priority species and allow the 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 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 7** Pre-commencement condition justification: To ensure that the bio-diversity measures as recommended for the approved development are implemented in accordance with recognised ecology best practice.

(i). No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

(ii). No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in (i) above. (iii).

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

REASON: The Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 8** Prior to occupation of any dwelling, the road junction with Braintree Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres, including the tangential splay to the north-east, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. DR1 Rev. B (Proposed Access and Visibility, 04/09/2021). Such vehicular visibility splays shall be provided before the road junction 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 road junction and those in the existing public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 9** Prior to occupation of any dwelling, an access formed at right angles to B1417 Braintree Road, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (to facilitate the passing of opposing vehicles and refuse vehicles entering/exiting the site) and two 2 metre footways, shall be provided.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 10** Prior to occupation of the 20th dwelling, a scheme of highway works to be first submitted to and agreed in writing by the local planning authority shall be implemented, to include the following measures;
- i. Improvements to the passenger transport infrastructure at the eastbound bus stop located along the site frontage on B1417 Braintree Road. The bus stop improvements shall include (where appropriate) raised kerbs, hardstanding, flags and bus shelter.
 - ii. Appropriate measures to deter or restrict the use by vehicular traffic of the existing vehicular access serving Sunnybrook Farm along public footpath no.12 (Felsted) / existing farm track, where within the planning application site
 - iii. Appropriate improvements to public footpath no.12 from the B1417 Braintree Road to the pedestrian entrance to the south-east side of the proposed school / community car park, including construction, surfacing and drainage, as required.

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

- 11** No dwelling shall be occupied until the car parking spaces associated with that dwelling as indicated on the approved plans have been provided. The vehicle parking shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 12** The school/community car park shall be laid out in accordance with the layout details as shown on the submitted drawing ref; SBKFM-SCN-XX-XX-DR-A-01.002-A3 Rev P09 dated 3 July 2023 entitled "Detailed Development Layout", including details for disabled parking.

REASON: To ensure that a satisfactory parking layout fit for its intended purpose is implemented in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 13** Cycle parking for each dwelling shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure,

convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 14** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

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

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.
- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16** Prior to construction of the dwellings above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase of the development, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 17** 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and Uttlesford District Council's adopted SPD entitled "Accessible Homes and Playspace".

- 18** All dwellings shall be provided with electric vehicle charging points. Prior to first occupation of each relevant dwelling, its charging point shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 19** Details of renewable energy and energy efficiency measures to be used for the dwellings beyond those already required to be incorporated into the dwellings under the latest Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.

REASON: In the interests of sustainable construction in accordance with Policies GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

- 20** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Section 5.2 of the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, submission of a Biodiversity Management Plan, due diligence for nesting birds, consultation with a rabbit control specialist, general best practice during the construction phase; the installation of integrated bat and bird boxes on each property, tree mounted bird and bat boxes; retention of permeable boundaries; new native tree, hedgerow, copse, and meadow planting.

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

- 21** Prior to construction above damp proof course, a Biodiversity Enhancement Layout (BEL), providing the finalised details and locations of the enhancement measures contained within Section 5.2 of the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2020), including installation of bird and bat boxes and native/wildlife friendly planting in any landscaping (including planting of trees, hedgerows, copse, and meadows), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 22** Prior to occupation, 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 so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without the prior consent from the local planning authority.

REASON: To 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 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Agenda Item 11



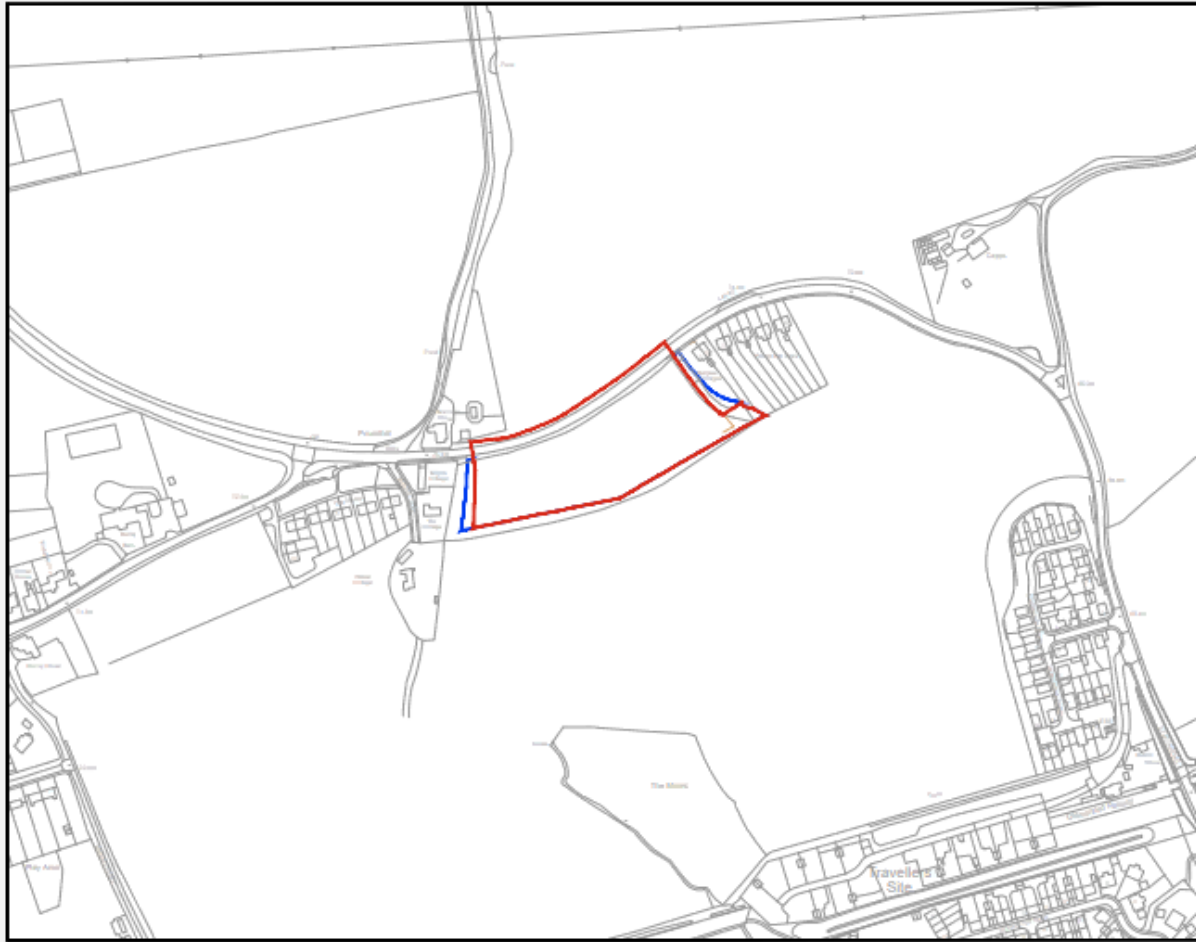
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 25 October 2023

REFERENCE NUMBER: UTT/23/1734/FUL

LOCATION: Land At Pound Hill, Little Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: June 2023**

PROPOSAL: S73 application to vary condition 23 (approved plans) attached to UTT/19/1789/FUL added under UTT/22/3301/NMA (Residential development comprising 14 dwellings - use class C3, vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure) - alterations to approved scheme.
Condition Number(s): No. 23
Conditions(s) Removal:
The applicant is the developer of the site and seeks improvements to the approved scheme.

Condition 23: The development hereby permitted shall be carried out in accordance with the approved plans and documents as set out in the Schedule added under application UTT/22/3301/NMA

APPLICANT: Troy Homes

AGENT: Phase 2 Planning and Development Ltd

EXPIRY DATE: 12 October 2023

EOT Expiry Date: 31 October 2023

CASE OFFICER: Tom Gabriel

NOTATION: Outside Development Limits, proximity to listed building.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 This application relates to the variation of condition 23 (approved plans) of planning permission UTT/19/1789/FUL, added under UTT/22/3301/NMA. The previous proposal approved was for erection of 14 no. dwellings at Land At Pound Hill in Little Dunmow. The same number of dwellings are proposed in this current application, and the same numbers of affordable dwellings are proposed (one dwelling and to flats, at 21.5%).

- 1.2 However, given this application is for a variation of condition for the approved plans, there are minor alterations proposed which include changing Plots 3-8 and 10-11 to detached units rather than semi-detached, the realignment of road, changes to SW drainage and attenuation pond and the garages changed from double to single. All the properties proposed are now detached whereas this was not the case in the previous application approved. Nonetheless, it is considered that the alterations proposed in this current application are limited when compared to the previously approved scheme on the application site. Materials do not form part of this application but will be the subject of an appropriately worded condition.
- 1.3 The principle of this proposal (14 dwellings) has been deemed acceptable in the previous application which is material consideration of significant weight. The previous planning permission also remains extant. Additionally, there are no new material considerations arising in this current application that would alter the Local Planning Authority's view on the principle of this development proposal. As such, the proposal is therefore in accordance with the policies within the development plan and the National Planning Policy Framework.

2. **RECOMMENDATION**

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

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

And

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

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site comprises an overgrown strip of undeveloped scrubland consisting of 1.25 hectares which fronts onto Pound Hill (Station Road) between Little Dunmow village and Flitch Green. The site has a gentle fall from front to rear. A row of five pairs of semi-detached post-war local authority constructed dwellings with long back gardens (Pound Hill Villas) stand within an exposed frontage position along the hill to the immediate east of the site as it descends down sharply on a gradual bend towards Flitch Green, whilst three listed thatched cottages stand on level ground to the immediate west of the site beyond a farm track leading to gently

rolling farmland behind the site. A further dwelling stands on the north side of Pound Hill opposite the track entrance, whilst a replacement UDC social housing scheme (The Moors) has now been constructed on the corner of Pound Hill and The Street.

4. PROPOSAL

4.1 This application relates to the variation of condition 23 for the previously approved plans under app UTT/19/1789/FUL. The previous approved scheme on the application site was for erection of 14 no. dwellings and garages, three of which would be affordable, new vehicular access and rear service road, public open space, associated hard/soft landscaping measures and sustainable drainage system.

4.2 The number of dwellings proposed (14) in this current scheme remains the same as the previous application. However, internal alterations are proposed, 8no of semi-detached dwellings approved in the previous application are now revised in this current application to detached properties and as such, all properties proposed are detached. There is also a realignment of the road, the garages are altered from double to single space garages and there are changes to the surface water drainage and attenuation pond.

4.3 Plot 1 (House Type A)

There are limited internal alterations proposed from the previous application. The chimney stack to the side of the dwelling is proposed to be removed from the side elevation. The kitchen window to the east elevation is to be removed in this current application and the kitchen door is to be re-sited slightly towards the front elevation of the dwelling.

Property type – Detached, 4 bed & 3 parking spaces.

Tech area – 161.52sqm

Planning Area – 156.5sqm

Amenity space – 272sqm

4.4 Plot 2 (House Type A variant)

There are limited internal alterations proposed from the previous application. The chimney stack to the side of the dwelling is to be removed. The kitchen window to the rear elevation is to be removed in this current application and the kitchen window to the side elevation is to be moved further to the east and it is also to be widened. The utility door proposed in the previous application is now altered to a window in this current application. The bi-folding doors for the living room in the previous application were located east of the building and are now proposed to be located south of the dwelling in this application. The latter is reflective of the bedroom windows.

Property type – Detached, 4 bed & 4 parking spaces.

Tech area – 161.52sqm
Planning Area – 156.5sqm
Amenity space – 243sqm

4.5 Plot 3 & 4 (House Type B)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached, there are no side windows on the ground floor and there is only one window on the first floor, and this is dedicated for a bathroom. Two windows are now proposed to the front elevation in this current application in comparison to the one window in the previous application.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 111.18sqm
Planning Area – 100.4sqm
Amenity space – 197sqm (plot 3) & 222sqm (plot 4)

4.6 Plot 5, 6, 7 & 8 (House Type C)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached, there is only one side window on the ground floor (dedicated for dining room) and there is only one window on the first floor, and this is dedicated for a bathroom.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 117.48sqm
Planning Area – 108sqm
Amenity space – 235sqm (plot 5), 203sqm (plot 6), 223sqm (plot 7) & 227sqm (plot 8)

4.7 Plot 9 (House Type D)

There includes internal alterations. The footprint of the dwelling has been amended slightly and amendments to the windows in the side and rear elevations.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 119.04sqm
Planning Area – 110.4sqm
Amenity space – 219sqm

4.8 Plot 10 (House Type E)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached. There is only now one window on the first floor (east elevation) in this current application when compared to the

three windows in the previous application. There is no window proposed on the east elevation. The ground floor door to the east elevation in the previous application is removed in this current application.

A bay window is now proposed in this current application – this was not included in the previous application.

Property type – Detached, 3 bed & 2 parking spaces.

Tech area – 102.12sqm

Planning Area – 98sqm

Amenity space – 208sqm

4.9 Plot 11 (House Type F)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached. There is no window proposed on the west elevation. The ground floor door on the west elevation in the previous application is removed in this current application. The chimney to the flank elevation has been removed in this application.

Property type – Detached, 3 bed & 2 parking spaces.

Tech area – 116.54sqm

Planning Area – 100.8sqm

Amenity space – 174sqm

4.10 Plot 12 (House Type G – Affordable)

There includes internal alterations, the ground floor door on the east elevation in the previous application is removed in this current application. There is now an additional window proposed to the front elevation in this current application, the front door repositioned and a large canopy over the front door is proposed in this application. The chimney to the flank elevation has been removed in this application.

Property type – Detached, 3 bed & 2 parking spaces.

Tech area – 101.8sqm

Planning Area – 100.98sqm

Amenity space – 194sqm

4.11 Plot 13 & 14 (House Type H & J – Affordable)

No alterations are proposed.

Property type – Flats, 2 bed & 2 parking spaces.

Tech area – 96.44sqm (plot 13) & 94.87sqm (plot 14)

Planning Area – 90sqm (plot 13) & 88sqm (plot 14)

Amenity space – 34sqm (plot 13) & 34sqm (plot 14)

- 4.12** A previous Section 73 application UTT/23/0164/FUL was reported to Planning Committee on 5.7.23 which refused on the sole basis of the change of materials. This application is identical aside the omission of the request for the change of materials this would be covered by an additional suitably worded condition.
- 4.13** The application is accompanied by the following reports to inform the application proposal which have been revised following the submission of revised drawings:
- Residential plot information
 - Landscape specification

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

- 6.1** UTT/18/0440/OP – Outline application, with all matters reserved except for accesses and structural landscaping, for a residential development comprising up to 18 dwellings (use class C3), vehicular accesses, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure (refused under delegated powers but allowed at appeal under ref: 19/00115/REF – 6 December 2019)
- 6.2** UTT/19/1789/FUL – Residential development comprising 14 dwellings (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure (approved with conditions – 21 May 2021)
- 6.3** UTT22/3301/NMA – Non material amendment to UTT/19/1789/FUL – additional planning condition of 'The development hereby permitted shall be carried out and completed in accordance with the proposal contained in the application and drawing numbers detailed submitted therewith, unless the Local Planning Authority otherwise agrees in writing' (approved with the additional condition – 29 December 2022)
- 6.4** UTT/23/0164/FUL – S73 Variation of Condition 23 (approved plans) of UTT/19/1789/FUL (Residential development comprising 14 dwellings - use class C3, vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure) as added by UTT/22/3301/NMA Condition Number(s): No. 23 Conditions(s) Removal: The applicant is the developer of the site and seeks improvements to the approved scheme. Condition 23 The development hereby permitted shall be carried out in accordance with the approved plans and documents as set out in the Schedule added under application UTT/22/3301/NMA (refused – 31 July 2023)

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 There was no preapplication advice sought for this current application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective, the Highway Authority has no adverse comments to make to vary condition 23 (approved plans) attached to UTT/19/1789/FUL, however requests that all highway related conditions from UTT/19/1789/FUL are applied to the UTT/23/1734/FUL consent (should permission be granted) and an informative regarding works within or affecting the highway be imposed upon the permission.

9. PARISH COUNCIL COMMENTS

9.1 No comment received

10. CONSULTEE RESPONSES

UDC Landscape Officer/Arborist

No comment received

Place Services (Conservation and Heritage)

This application follows a similar application UTT/23/0164/FUL which was refused. I was unable to support the previous application on the basis of the External Materials Schedule submitted which included white uPVC double glazed windows and doors and fibre cement cladding which, in my opinion, represented a material diminishment to the quality of the approved development contrary to Paragraph 135 of the National Planning Policy Framework. I note that the current application omits details of any proposed materials and that these will be agreed under Condition 3 of approval of the original scheme UTT/19/1789/FUL.

On this basis, I have no concerns about the current application and am able to support approval.

11. REPRESENTATIONS

11.1 Neighbours were notified of the application by letter and the application was advertised by means of a site notice and a press notice.

11.2 No representation is received.

12. MATERIAL CONSIDERATIONS

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

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

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

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.1.2 Since the grant of the previous permission, UTT/19/1789/FUL the NPPF has been revised but para 11 of the NPPF remains the same. Other relevant paragraphs of the NPPF that were altered are para 189 is now para 194, para 192 is now para 197, para 193 is now para 199, para 194 is now para 200, para 196 is now para 202 and para 200 is now para 206. These paras relates to development affecting heritage assets.

13.2 Uttlesford District Plan 2005

S7 – The Countryside
ENV2 – Development affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Importance
H1 – Housing Development
H9 – Affordable Housing
H10 – Housing Mix
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards

13.4 Supplementary Planning Document or Guidance

SPD “Affordable Homes and Playspace”.
Essex Design Guide
Essex County Council Parking Standards – “Design and Good Practice”
(September 2009)
Uttlesford District Council Parking Standards (February 2013)
Uttlesford District Council Interim Climate Change Planning Policy
(February 2021).

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development having regard to sustainable development principles – flood risk, accessibility to local services, countryside protection, heritage protection and current LPA housing land supply status**
 - B) Design and Listed property**
 - C) Impact on neighbouring residential amenity**
 - D) Highway safety and Parking standards**
 - E) Other matters**

14.3 **A) Principle of development having regard to sustainable development principles – flood risk, accessibility to local services, countryside protection, heritage protection and current LPA housing land supply status**

14.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan, unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the

Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are considered to be out of date whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 18 years old and pre-dates both the original NPPF (2019) and the latest version (2021). A neighbourhood plan does not currently exist for Little Dunmow.

- 14.3.2** The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework also sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes in the right place at the right time to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.
- 14.3.3** Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the LPA cannot demonstrate a five year housing land supply), the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development (see Footnote 6); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 14.3.4** The proposal is a variation of condition to the previously approved proposal on the application site. The previous proposal approved was for 14 No dwellings and the same amount of dwellings are proposed in this current application. Whilst there are alterations proposed to the previously approved scheme, these alterations are considered to be limited. Additionally, there is no new material consideration arising in this current application that would alter the permission given to the previous application.
- 14.3.5** The principle of this proposal has been deemed acceptable in the previous application which is material consideration of significant weight and as such there is no divergence from the previous decision. The proposal is therefore acceptable in principle subject to assessment and consideration of site-specific impacts and compliance with the relevant policies of the plan and provisions of the framework in that regard. These matters are addressed under issues specific headings below. The overall planning balance assessment is set out in the conclusion below.

14.4 B) Design and Listed property

- 14.4.1** Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that LPAs should seek to protect the integrity and setting of listed buildings.
- 14.4.2** Paragraph 195 of the NPPF requires Local Planning Authority's to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.
- 14.4.3** ULP Policy ENV2 of the Uttlesford Local Plan relating to heritage protection states that "Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building, will not be permitted.
- 14.4.4** The site is located adjacent to three grade II listed cottages, namely Brights Cottage, the Cottage and Willow Cottage and as such, it is reasonable to consult the Place service Heritage asset officer to seek their expert advice on the proposal. *The Heritage asset officer commented in their response to this application 'This application follows a similar application UTT/23/0164/FUL which was refused. I was unable to support the previous application on the basis of the External Materials Schedule submitted which included white uPVC double glazed windows and doors and fibre cement cladding which, in my opinion, represented a material diminishment to the quality of the approved development contrary to Paragraph 135 of the National Planning Policy Framework. I note that the current application omits details of any proposed materials and that these will be agreed under Condition 3 of approval of the original scheme UTT/19/1789/FUL.*
- 14.4.5** The proposed changes outlined in this current application are limited in nature and as such, it would not result in significant harm to the surrounding heritage assets and their settings beyond and above what was previously consented on the application site. Additionally, given the varied character and appearance of surrounding dwellings within the locality, notwithstanding the new modern dwellings completed adjacent the application site, it is noted that the proposal would not appear out of character such that it should be refused in this instance. It is also considered that the proposed landscaping around the site would help soften views in and out the site. The proposed materials may be controlled by condition and uPVC windows are not to be used in the development.
- 14.4.6** The proposal is therefore considered to accord with policies GEN2 and ENV2 of the Local Plan and paragraphs 196, 201 and 202 of the National Planning Policy Framework.

14.5 C) Impact on neighbouring residential amenity

- 14.5.1** No amenity harm was identified in the previous application and no negative comments have been received from the occupiers of neighbouring properties or interested third parties in this current application in the context residential amenity. The reason being is that given the orientation, position, mass, form, site boundary treatment and reasonable distance from neighbouring properties, the proposal would not result in any significant overbearing impact, overshadowing, loss of natural light, loss of privacy or noise impact to surrounding properties beyond and above the existing situation. Similarly, although the semi-detached properties (approved in the previous application) are now detached in this current application, it is noted these proposed dwellings have no facing windows to habitable rooms nor are they within proximity to one another that it would result in an overbearing impact.
- 14.5.2** As such, it is not considered the proposed dwellings would be subject of being overlooked or overshadowed such that consent ought to be refused on this basis.

14.6 D) Highway safety and Parking standards

- 14.6.1** In the context of highways and parking, no objection was raised by the highways officer in the previous application and similarly the changes proposed are limited in this current application when compared to the previous approved proposal and as such, there is no need to diverge from the previous permission. Nonetheless, given the semi-detached properties approved in the previous application are now proposed to be detached in this current application, as a result, there is proposed realignment of the roads. These alterations have been discussed with the Highway Authority who raise no objection to the scheme proposed, subject to reattachment of the conditions from the previous decision.

14.7 E) Other matters

- 14.7.1** In the context of the proposed housing mix, it is noted that there are no changes to the mix of housing. Of the proposed 14 no. of dwellings, the development would comprise of 2 no. x 4 bed dwellings, 10 x 3 bed dwellings, of which one dwelling would be an affordable unit, and 2 no. x 2 bed flats, both of which would be affordable. As such, given the proposed housing mix is not proposed to be altered from the previous application, there is no need to diverge from the previous conclusion. This is in accordance with the National Planning Policy Framework and Policy H10 of the Local Plan.
- 14.7.2** The numbers of affordable housing are not altered from the previous application and the total provision of affordable units is 1 dwelling and 2 flats at 21.5%. This was deemed acceptable in the previous application and there is no need to deviate from that conclusion.

This is in accordance with the National Planning Policy Framework and Policy H9 of the Local Plan.

- 14.7.3** In the context of impact on trees and protected and priority species on the application site, comments from received from the landscape officer and ecology officer raised no objection to the previous scheme proposal subject to conditions respectively.
- 14.7.4** On this basis, there are no new submission as part of this current proposal that would render comments received by relevant consultees from the previous application obsolete. The proposal will still preserve existing on-site habitats, maintain wildlife connections to off-site habitats and habitats will be enhanced through native planting design, with additional provision from the proposed attenuation pond and associated species-rich wildflower and marginal aquatic planting, with wildlife friendly fencing also included throughout the development.
- 14.7.5** As such, it is noted that the conditions attached to the previous application would be reattached in this instance The proposal is therefore in accordance with the policies within the National Planning Policy Framework and Local Plan Policies ENV3 and GEN7.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

15.2 Human Rights

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

home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

16.1 The proposal at Land at Pound Hill is considered to be acceptable in principle. The proposal is a resubmission of the previously approved proposal on the application site and the alterations proposed in this current application are limited. There are also no new material considerations which indicate that planning permission should be refused. The Council is unable to demonstrate a 5YHLS and this proposal would contribute to the supply, albeit in a limited manner.

16.2 In the context of the surrounding Heritage asset, no harm is identified by the heritage officer and there are public benefits arising from the development in the context of affordable housing and economic benefits arising from the construction of the dwellings. The proposed design, material and characteristics of the dwellings would not impact the immediate and wider setting of locality that it should be refused on this basis. Furthermore, proposed dwellings would not be subjected to loss of amenity and harm is not identified to the residential amenity of the neighbouring properties, highways/parking and ecology.

16.3 As such, the proposal is considered to be acceptable, therefore, the proposal accords with the development plan and the NPPF.

17. S106 / CONDITIONS

17.1 Heads of Terms

- i. Provision of 21.5% affordable housing equivalent to 3 no. on-site affordable housing units**
- ii. Provision and management of public open space**
- iii. Maintenance of SuDS**
- iv. Provision of bus stop improvement works**
- v. Payment of commuted sum to the local Highways Authority to fund the implementation of a Traffic Regulation Order (TRO)**
- vi. Provision of Travel Information Pack**
- vii. Pay the Council's reasonable legal costs**
- viii. Pay the monitoring fee**

17.2 Conditions

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

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

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

dwg no.1928_PHLD_SCN_PL01_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type A, plot 1)
dwg no. 1928_PHLD_SCN_PL02_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type A variant, plot 2)
dwg no.1928_PHLD_SCN_PL03_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type B, plot 3),
dwg no.1928_PHLD_SCN_PL04_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type B, plot 4),
dwg no.1928_PHLD_SCN_PL05_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 5),
dwg no.1928_PHLD_SCN_PL06_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 6),
dwg no.1928_PHLD_SCN_PL07_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 7)
dwg no.1928_PHLD_SCN_PL08_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 8),
dwg no.1928_PHLD_SCN_PL09_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type D, plot 9),
dwg no.1928_PHLD_SCN_PL10_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type F, plot 10),
dwg no.1928_PHLD_SCN_PL11_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type F, plot 11),
dwg no.1928_PHLD_SCN_PL12_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type G, plot 12),
dwg no.1928_PHLD_SCN_PL13_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type H and J, plots 13 and 14),
dwg no.1928_PHLD_SCN_XX_XX_DR_A_01.001_A3, REV P2
(site plan)
dwg no.1928_PHLD_SCN_XX_XX_DR_A_01.001_A3, REV P01 (street
scenes) [received by the LPA on the 6th July 2023]

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 commencement of development, full details of both hard and soft landscape works, including details of planting for the landscaping buffer proposed for the western boundary of the site, the proposed copse at the northern end of the site, internal swale areas, public open space areas and the proposed car park, shall be submitted to and approved in writing by the local planning authority. Subsequently, these

works shall be carried out as approved. The landscaping details to be submitted shall include:- a) proposed finished levels b) means of enclosure c) hard surfacing, other hard landscape features and materials d) existing trees, hedges or other soft features to be retained e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife g) details of siting and timing of all construction activities to avoid harm to all nature conservation features h) location of service runs i) management and maintenance details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To ensure that the development can be properly assimilated in time into the local landscape at this location to reduce its visual impacts.

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

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

resulting development does not prejudice the visual qualities of the area or the setting of nearby designated heritage assets.

- 6** Prior to occupation of any dwelling, the provision of a vehicular access formed at right angles to Station Road, as shown in principle on drwg PHLD_SCN_XX_XX_DR_A_01.001_A3 Rev P2 (dated 23.11.22) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres and two 2 metre wide footways shall be provided.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7** Prior to occupation of any dwelling, the existing footway on Station Road along the site frontage shall be reinstated to its former width (or minimum 1.8 metres, whichever is greater) by removal of encroaching mud and vegetation and make remedial repairs where deemed necessary by the Highway Authority.

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

- 9** Prior to occupation any dwelling, a sum of £10,000 (index linked) shall be paid to the Highway Authority to fund the implementation of a Traffic Regulation Order (TRO) (and the relevant signing, lining and all other statutory processes) on Station Road, to restrict parking and facilitate safe and efficient movement of traffic along the road, or other such parking scheme in the vicinity of the land, as deemed necessary as a result of this development, should a parking issue arise.

REASON: To prevent inappropriate parking on the highway, in the interests of highway safety and efficiency in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 10** 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 head shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 11** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

- 12** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 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 in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 13.** 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:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Unless significant sediment and debris removal is applied the outfall should be no smaller than 50mm. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide evidence that the receiving waterbody has the capacity to take the flows from the site.
- 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.
- The consideration of rainwater reuse where possible.
- 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 run-off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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 (ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To make the development acceptable in terms of flood risk and SuDS.

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

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/ disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed (ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To make the development acceptable in terms of flood risk and SuDS.

- 15.** 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 (ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 16.** The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any

approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

- 17.** No development or preliminary groundworks shall commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

REASON: A Desk Based Assessment has been submitted for this application which identifies the proposed development as having moderate archaeological potential for Late Prehistoric and Roman remains, whilst the Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits (ULP Policy ENV4 of the Uttlesford Local Plan 2005).

- 18.** One dwelling approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the LPA's adopted SPD "Accessible Homes and Playspace".

- 19.** Prior to dwelling occupation, all of the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 20.** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019), the Revised Ecological Appraisal (Engain, December 2020) and the Revised Planting Plan (Small Bim Architecture, July 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed

person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 21.** Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019) and the Revised Ecological Appraisal (Engain, December 2020). The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

Justification for pre-commencement condition: To ensure that the resulting development does not harm protected or priority species and their habitats.

- 22.** Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019).

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

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

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

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 23.** Prior to occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC

Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

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

- 25.** If the residential development (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure hereby approved does not commence within 2 years from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:
- i. establish if there have been any changes in the presence and/or
 - ii. abundance of Protected and Priority species;
 - iii. identify any likely new ecological impacts that might arise from any changes.

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

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

- 26.** No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the submitted Create Consulting Engineers Ltd report dated May 2019 (ref CB/CC/P17-1319/07 Rev C), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

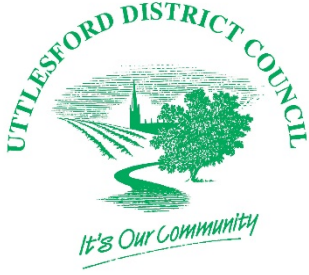
Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 27.** Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

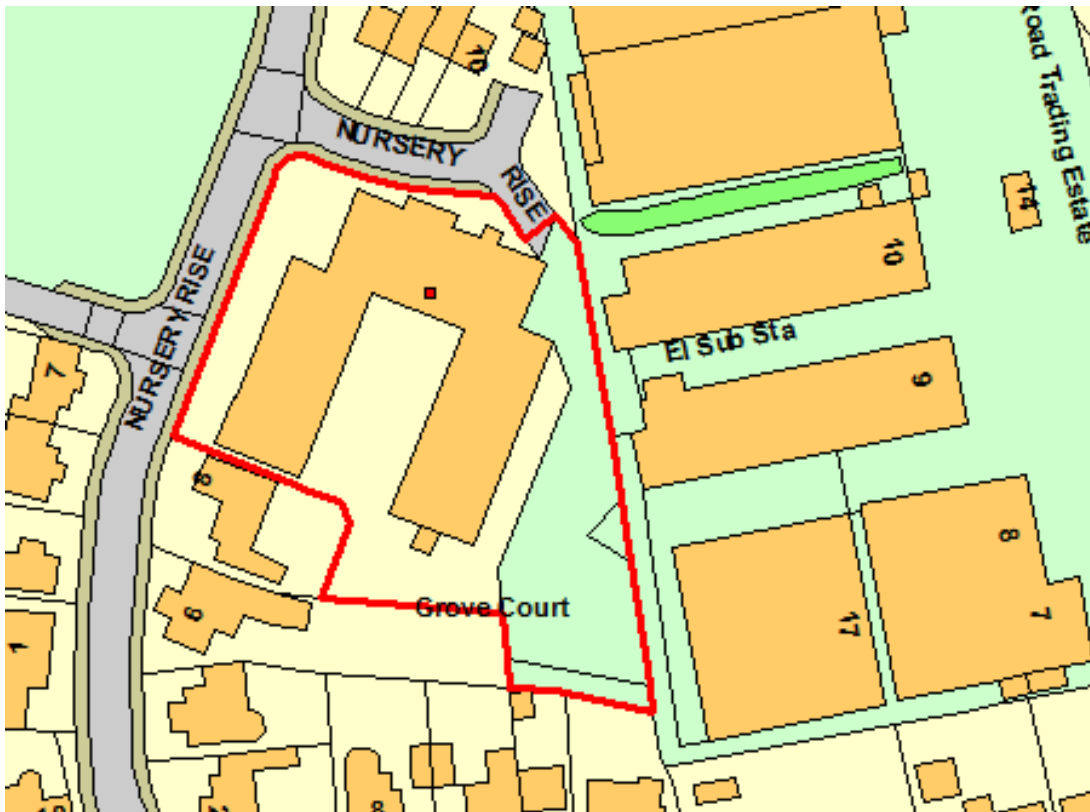
REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

Agenda Item 12



ITEM NUMBER:	12
PLANNING COMMITTEE DATE:	25 October 2023
REFERENCE NUMBER:	UTT/23/0068/FUL
LOCATION:	Grove Court, Nursery Road, Dunmow,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council - Date: October 2023

PROPOSAL: Alterations and refurbishment of the existing supported living housing block to reduce the number of units from 31 to 25 replacing bedsits with one and two bedroom flats; formation of a new access ramp to the main entrance and refurbishment of the main entrances; formation of a new secondary access to the courtyard garden and renewal of the landscaped gardens.

APPLICANT: Ms Julia Chukwuma

AGENT: Mr Warren Green

EXPIRY DATE: 2 August 2023

EOT Expiry Date 29 September 2023

CASE OFFICER: Tom Gabriel

NOTATION: Within Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** The scheme seeks planning permission for alterations and refurbishment of the existing supported living housing block to reduce the number of units from 31 to 25, replacing bedsits with one and two bedroom flats; the formation of a new access ramp to the main entrance and the refurbishment of the main entrances; the formation of a new secondary access to the courtyard garden and the renewal of the landscaped gardens.
- 1.2** The purpose of the development is to provide a form of accommodation in the home that is in keeping with the other homes provided by Sanctuary Housing Association.
- 1.3** The proposed development is acceptable in all regards and will provide enhanced accommodation in the home for its residents.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** 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 a purpose- built two storey care home built in 1990 which has not been significantly altered since. It comprises three wings around a landscaped courtyard. While it fronts onto Nursery Rise and has an entrance from there, its main entrance is at the rear served by the access road to the rear car parking area for the property. The site falls within the development limits of Great Dunmow.

3.2 The properties surrounding the site comprise a mixture of detached, linked- detached and semi- detached dwellings, and short terraces of dwellings, in plots of differing sizes in a pleasant, landscaped setting. To the rear of the site is the Ongar Road Trading Estate.

3.3 The site is located within Flood Zone 1 which is at the lowest risk of flooding.

4. PROPOSAL

4.1 This planning application is for alterations and refurbishment of the existing supported living housing block to reduce the number of units from 31 to 25, replacing bedsits with one and two bedroom flats (17 one person and 8 two person); the formation of a new access ramp to the main entrance and the refurbishment of the main entrances; the formation of a new secondary access to the courtyard garden and the renewal of the landscaped gardens. The purpose of the development is to provide a form of accommodation in the home that is in keeping with the other homes provided by Sanctuary Housing Association.

4.2 The development would comprise the reconfiguration of the existing bedsit rooms to form one and two bed flats with better kitchen facilities including washing machines. The flats would include wet floor shower facilities. The accommodation is to be provided as accessible and adaptable dwellings in accordance with Approved Document M4 (Category 2). The works would include alterations to selected windows to suit the amended internal layout and the replacement of all existing windows.

4.3 The communal accommodation is to be rationalised in order to be able to increase the number of flats in the development. The communal lounge, servery and accessible WC are to be retained.

4.4 The existing entrances to the building are to be enhanced with new cladding, balustrading and canopies. A new access ramp is to be provided to the Nursery Rise entrance along with a secondary pedestrian access. The works would also involve the refurbishment of the courtyard garden with a secondary access to it from the building.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/1877/89	Erection of 26 bedsits, 2 staff flats & associated facilities for the elderly	Granted

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective, the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1. An informative is suggested however;

8.1.2 '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'.

8.2 ECC Ecology

8.2.1 No objection subject to securing biodiversity mitigation and enhancement measures.

9. TOWN COUNCIL COMMENTS

9.1 Wishes to support the proposal.

10. CONSULTEE RESPONSES

10.1 **Anglian Water**

10.1.1 We are unable to make an accurate assessment for the proposed development because no drainage strategy has been submitted with the application and therefore it is not clear where the applicant is proposing to connect to Anglian Water network.

10.2 **UDC Environmental Health**

10.2.1 If any new plant (kitchen extraction, air conditioning, air source heat pumps) is to be installed as part of the development, there is potential for it to impact on the residential properties adjacent. Applications which include noise generating plant when there are nearby noise sensitive receptors should be accompanied by an acoustic assessment carried out in accordance with BS4142:2014 + A1:2019 methodology. A noise assessment condition is recommended.

10.2.2 There are residential properties adjacent to this site. A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to neighbours during construction. A construction method statement condition is recommended.

10.2.3 Conditions regarding external lighting and air quality are also recommended, as is an informative about energy saving and renewable technology.

10.3 **Essex Police**

10.3.1 We note that on the eastern side of the proposed development there are apartments that have doors opening into external shared private amenity space, a plan shows a hedge between it and public areas. It is important for the security of those residents and the rest of the building that this boundary is more than just a symbolic boundary and does provide adequate security. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.4 **UDC Housing**

10.4.1 Support this application as it enhances the sheltered accommodation upon the site by replacing the bedsits with one and two bedroom accommodation.

11. **REPRESENTATIONS**

- 11.1** Neighbours were notified of the application by letter.
- 11.1.1** Four letters have been received objecting and commenting on the following grounds;
- the location of the refuse area, which is currently where the kitchen is, would result in smells for the neighbouring properties.
 - is the kitchen fan to be moved? It can be heard from inside the neighbouring properties.
 - How will the additional parking be managed? 12 spaces for 25 flats? There is already overflow parking from the site. Nursery Rise will become less safe.
 - Not all of the fence around the property is in the ownership of the property, some of it belongs to the adjoining neighbour. There is also a covenant that the hedge alongside the fence is kept to the same height of the fence.
 - increased noise and light pollution and security issues.
 - details of the proposed new fence are requested.
 - Party Wall agreements need to be entered into.
 - the Pendunculate Oak on the site needs trimming; and the likely increase in on- street parking that would arise from the scheme may make the access to the proposed ramp difficult;

11.2 Comment

- 11.2.1** All material planning merits will be considered in the following report.

12. MATERIAL CONSIDERATIONS

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

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

- a) the provisions of the development plan, so far as material to the application,
(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)
Planning Policy for Travellers Sites (2015)
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 Dec 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

13.2.1 Policy S1 – Development Limits for the Main Urban Areas
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards

13.3 Great Dunmow Neighbourhood Plan

13.3.1 Policy LSC1: Landscape, Setting and Character

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- A) The Principle of Development**
- B) Character and Design**
- C) Residential Amenity**
- D) Parking and Access**
- E) Landscaping and Biodiversity**
- F) Other Issues**

14.2 A) The Principle of the Development

14.2.1 The application site is located within the town of Great Dunmow where development, including the enhancement of existing buildings, is acceptable in principle, subject to compliance with the relevant local and national planning policies.

14.3 B) Character and Design

14.3.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 126 'The creation of high- quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the Local Plan and Policy LSC1 of the Great Dunmow Neighbourhood Plan.

14.3.2 The majority of the works involved in this application would be internal and would therefore not affect the external appearance of the building. The external works – the altered and replacement windows and openings, the new entrances to the building and the new access ramp – would have a reasonably significant impact upon the appearance of the building but would enhance it. The impact upon the street scene and the character of the area would be acceptable, in accordance with Policy GEN2 of the Local Plan, Policy LSC1 of the Neighbourhood Plan and Section 12 of the NPPF.

14.4 C) Residential Amenity

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

14.4.2 The proposed alterations to the building would not have an adverse impact upon the amenities of the occupiers of the neighbouring residential properties by virtue of their limited nature. The new and replacement windows would not result in any material change to the privacy levels enjoyed by the surrounding properties while the changes to the entrances of the building and the access ramp would not harm the outlook for those properties. While the proposed combination of the one and two bed flats in the development would result in a small increase the number of people living in the property (33 – 17 x 1 person flats and 8 x 2 person flats – as opposed to the existing 31 bedsit units), this would not have an adverse impact upon residential amenity given the type of accommodation proposed and the limited increase in activity that would arise from the development. It is not considered that the development would result in an

increase in the levels of light or noise pollution arising from the premises, subject to a condition regarding a noise assessment.

14.4.3 The amenities of the trading estate to the rear of the site would similarly not be adversely affected due to the limited nature of the proposed works.

14.4.4 It is therefore considered that the proposed development would not have a harmful impact upon the amenities of the surrounding occupiers in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (2005) and the NPPF.

14.5 D) Parking and Access

14.5.1 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 do not 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. Policy GEN8 of the Local Plan requires development to comply with the Council's parking standards.

14.5.2 The development would result in a reduction in the number of residential units from 31 to 25 and while eight of the units would be two bedroom, the development would not have a material impact upon the level of parking required for the site. The Council's maximum park standards for residential care homes are one space per resident staff and one space per three bed spaces/ dwelling units. This equates to 11 spaces. The site contains 12 spaces, thereby complying with the standards. It is not considered that the parking needs managing as this is private property.

14.5.3 No alterations are proposed to the vehicular entrance to the site and together with the negligible change in the intensity of use of the site that would arise from the development, this would not have an adverse impact upon highway safety, in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (2005).

14.6 E) Landscaping and Biodiversity

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

14.6.2 The proposed development includes upgrading the landscaping in the internal courtyard and at the front of the site, around the proposed access ramp. The works include the creation of a bee lawn, and the planting of native hedgerows and tree planting. These will enhance the biodiversity of the site, as would the proposed installation of bird boxes, bat boxes and a hedgehog dome. The landscaping and biodiversity measures may be secured by condition.

14.6.3 The new planting would provide a pleasant living environment for the future residents of the site, would enhance the appearance of the site along Nursery Rise and would help increase the biodiversity of the site, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (2005).

14.7 F) Other Issues

14.7.1 The proposed development would not result a material increase in the degree of drainage arising from the site and would therefore not have a material impact upon the local drainage system. The amount of hardstanding on the site would also not significantly increase and therefore the runoff from the site would not materially change.

14.7.2 It is not considered that the access to the new ramp would be hindered by any on- street parking (either existing or arising as a result of this development) as the ramp would not be located immediately adjacent to the pavement passing the site. The base of the ramp would be around 5m from the back edge of the pavement and access to it would therefore not be unduly hindered.

14.7.3 The security of the site with regards to access from the pedestrian entrance to the south of the property may be addressed by the provision of a lockable/ keypad-controlled gate (is it the Case Officer's understanding that this is the intention of the site owners). The comments from Essex Police regarding the use of hedges or fences to delineate the external shared private amenity space and public areas are noted. However, the hedge separates a footpath serving the flats on the eastern side of the development from the access road to the parking area. This area of the site is well away from the public realm along Nursery Rise. It is not considered necessary to require this hedge to be changed to a fence for reasons of security given that this area of the site is away from the public realm and would only be used by residents or visitors of the site.

14.7.4 The ownership of the boundary fence and its replacement and maintenance is not a planning issue but is an issue between the relevant parties. The presence of a covenant concerning the height of the hedge is also not a planning issue.

14.7.5 The distance between the building and the neighbouring properties is such that the siting of the refuse area would not result in smells reaching the neighbouring properties.

14.7.6 Whether a Party Wall agreement needs to be entered into as a result of the proposed development is not a planning issue and therefore need not be considered in this application.

14.7.7 Whether the Pendunculate Oak on the site needs trimming is not an issue for consideration in this application.

14.7.8 This development has the potential to cause noise and dust impacts on the existing surrounding residential properties and a condition is recommended to protect the amenity of existing residential properties close to the site.

14.7.9 The development is not proposing to make a connection to the water supply as the property is already connected to it.

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 and 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. PLANNING BALANCE AND CONCLUSION

16.1 The proposed development would provide enhanced accommodation for the future occupiers of the site and would be in keeping with Sanctuary Housing Association's standard form of accommodation provision in their care homes. The development would have a limited and acceptable impact upon the street scene and would not harm the amenities of the occupiers of the neighbouring or surrounding properties as a result of its limited nature. Sufficient parking would be retained for the site. Harm to highway safety would not arise from the scheme.

- 16.2** Economic and social benefits in terms of the construction of the development and supporting local services and amenities providing investment in the local economy would arise from the development. There would also be net gains for biodiversity arising from the proposal. It is considered that significant weight to the benefits of the development should be added.
- 16.3** It is not considered that material adverse impacts would arise from the proposal. Therefore, the benefits of granting planning permission would significantly and demonstrably outweigh the adverse impacts of the development. The proposal would therefore represent sustainable development in accordance with the NPPF.
- 16.4** It is acknowledged that the Great Dunmow Neighbourhood Plan (GDNP) is a material consideration in the determination of this application. Whilst out of date, as per the provisions of Paragraph 14 of the NPPF, the proposal has been assessed against its relevant policy and has been found to meet the policy criteria outlined above.
- 16.5** Overall, the proposal is 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. It is therefore recommended that the application be approved subject to the suggested conditions laid out below.

17. CONDITIONS

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

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

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policy GEN2 of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. The materials to be used in the development hereby approved shall be as in the submitted documents.

REASON: In the interest of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved statement shall be adhered to throughout the construction period.

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

5. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

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

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

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

7. A single electric vehicle charging point shall be installed for each of the parking spaces on the site. These shall be provided, fully wired, and connected, ready to use before the first occupation of the development.

REASON: The requirement of the charging points is required to mitigate the harm for poor air quality due to the increase in vehicles in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

8. The landscaping and biodiversity enhancement measures contained in the approved plans and the submitted Preliminary Ecological Appraisal (MKA Ecology Ltd, April 2023) shall be installed in their entirety in the first planting season following the completion of the development and retained thereafter.

REASON: In the interest of the amenities of the occupiers of the site and the biodiversity of the site, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).



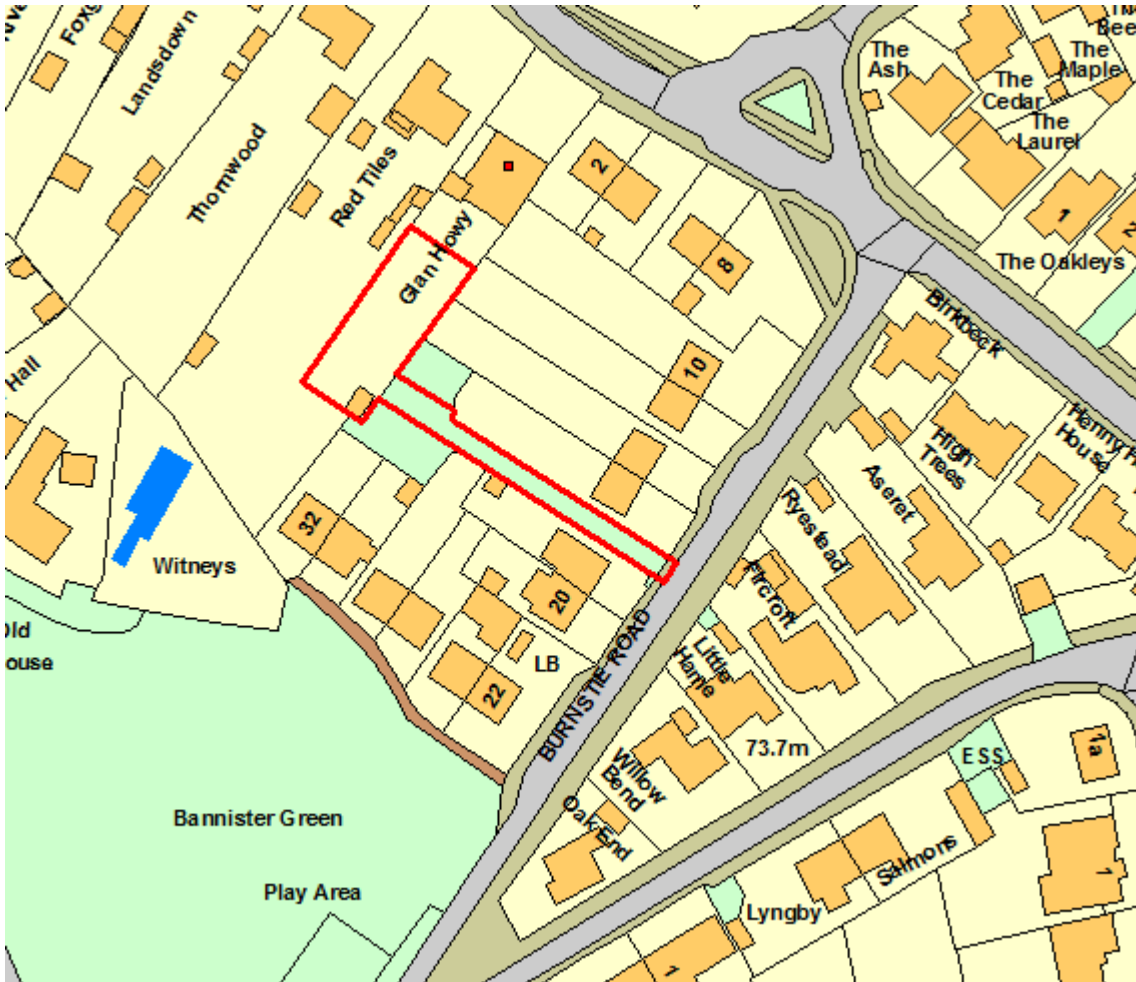
ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 25th October 2023

REFERENCE NUMBER: UTT/23/0515/FUL

LOCATION: Glan Howy, Bannister Green,
Felsted,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council - Date: October 2023

PROPOSAL:	Erection of a detached dwelling
APPLICANT:	Ms Malin
AGENT:	Mr Tuttlebury
EXPIRY DATE:	2 May 2023
EOT Expiry Date	31 October 2023
CASE OFFICER:	Tom Gabriel
NOTATION:	Within Development Limits
REASON THIS APPLICATION IS ON THE AGENDA:	Council's own part of access 23/0515*to the site

1. EXECUTIVE SUMMARY

- 1.1** The scheme seeks planning permission for the erection of one detached dwelling to the rear of the existing dwelling on the site. The new dwelling would be a bungalow and would be accessed via the driveway between 16 and 18 Burnstie, which serves an informal car parking area to the rear of 12 – 18 Burnstie.
- 1.2** The proposed development is unacceptable as it would represent a form of development which would have a harmful impact upon the character of the site and would not be compatible with the layout of Felsted as it would not follow the pattern of the surrounding properties. The dwelling would also not provide a suitable level of accommodation for its future occupiers by virtue of its substandard sized rooms
- 1.3** The development would, however, not have an adverse impact upon the amenities of the occupiers of the neighbouring and surrounding properties. Harm to highway safety and the setting of the nearby listed cottage would not arise from the proposal either.

2. RECOMMENDATION

That the Strategic Director of Planning Control be authorised to REFUSE planning permission for the development.
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3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site is located to the rear of the dwelling known as Glan Howy, Bannister Green, Felsted. The parcel of land to which the application relates is positioned to the rear of this property and to the rear

of 12 – 18 Burnstie. It is adjacent to the Grade II Listed heritage asset of Witneys, to the north of the site, and shares a boundary with Rd Tiles to the east. The site is set within a residential area located in south eastern part of Felsted. The dwellings in the area sit in large plots and are arranged traditionally, fronting onto established roads.

4. PROPOSAL

4.1 This planning application relates to the proposed residential development of the site for the erection of one dwelling with access from the driveway serving the informal car parking area that the site is currently used as. The dwelling would be a single storey two-bedroom bungalow measuring 6.3m by 10m and 5.1m high at the ridge with no accommodation in the roof slope. It would be provided with parking for two cars and turning and amenity space. Space for eight cars to park would remain in the existing parking area.

4.2 The application is accompanied by the following reports and documents to inform the application proposal:

- Plans and Elevations
- Planning Statement
- Design, Access and Heritage Statement
- Transport Statement
- 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/21/1891/FUL	Erection of a detached dwelling	Refused Appeal dismissed

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highways

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to a condition regarding the provision of cycle parking and informatives regarding works to the highway,

no discharge of water or mud onto the highway and the provision of on-site areas for the loading/ unloading/ reception and storage of building materials and manoeuvring of vehicles, clear of the highway.

9. PARISH COUNCIL COMMENTS

9.1 This is an inappropriate location for development, and it remains in conflict with Policy GEN2 of the adopted Uttlesford Local Plan 2005, Policy FEL/HN4 of the made Felsted Neighbourhood Plan and the relevant paragraphs of the National Planning Policy Framework. The issues raised by the Council and the Planning Inspector at the time of the previous application and appeal on the site remain pertinent to this application. Unresolved issues over the access to the site remain.

10. CONSULTEE COMMENTS

10.1 UDC Housing

10.1.1 There is no right of access over the service track to the site and it is not suitable to accommodate most construction vehicles due to its width and limited turning space at the entrance. The service track is used by the cars of the residents of the bungalows, who require access at all times. Right of Access would need to be obtained PRIOR to any vehicle use for either Glan Howy or the proposed dwelling including use of construction and delivery vehicles etc. Any costs arising from this would need to be covered by the applicant. We ask this be a condition for the applicant should any planning permission being granted.

10.2 Place Services Built Heritage

10.2.1 Glan Howy and the development site within the rear garden of the property are located to the northeast of Grade II listed Witneys, a two-storey house with a plain tiled roof which has been dated to the sixteenth century or earlier.

10.2.2 The current application follows an application for the erection of a two-storey dwelling made in 2021 (UTT/21/1891/FUL) which was refused and dismissed at appeal. The Heritage advice at that time was that there was no in principle objection to the development of the site, but concerns were expressed regarding the proposed height of the new dwelling, and the design was not considered to make a positive contribution to local character and distinctiveness as per Paragraph 192 c of the National Planning Policy Framework.

10.2.3 In the appeal decision, the Inspector found that due to the visual separation and limited intervisibility between the appeal site and Witneys (due to the existence of mature trees and landscaping), the proposal would preserve the setting of the listed building. However, the Inspector considered the siting of the proposed development - which they found to be '...discordant and out of keeping with the established pattern and rhythm of development in this part of Bannister Green' - would harm the character and appearance

of the site and surrounding area (paragraph 8). This was found to be in conflict with the relevant provisions of Local Plan Policy GEN2 and Policy HN4 of the Felsted Neighbourhood Plan, which seek to ensure that development proposals are compatible with the surrounding area.

10.2.4 The current proposal is for a two-bedroom single storey dwelling with its principal elevation facing east. On the basis of the above appeal decision, I have no concerns regarding the application in terms of the impact on the setting and significance of the listed building. In my opinion, the proposal will preserve the special interest of the listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, with no harm to its significance in terms of the NPPF (2023). However, since the Inspector's appeal dismissal was based on the siting of the previous proposed development rather than its scale, height and design, concerns regarding harm to the character and appearance of the site and surrounding area contrary to local policy are unlikely to be overcome.

11. REPRESENTATIONS

11.1 Neighbours were notified of the application by letter and the application was advertised by means of a site notice and a press notice.

11.1.1 Six responses received, objecting on the following grounds;

- There is no right of way to the site for Glan Howy or for the proposed development;
- An unlawful access has been created the use of which causes a nuisance to the surrounding properties;
- Access and parking issues may arise from the proposal;
- The access is too narrow for construction traffic and the lane is sinking around the potholes along it;
- The development would cause noise and disruption;
- The development would result in the loss of a large tree and impact upon wildlife;
- Precedent for further development in the area;

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)
 - Planning Policy for Travellers Sites (2015)
 - 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 Dec 2022)
 - Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- #### **13.1.1**
- National Planning Policy Framework (2023)

13.2 Uttlesford District Plan (2005)

- #### **13.2.1**
- Policy S3 – Other Settlement Boundaries
 - Policy ENV2 – Development affecting Listed Buildings
 - Policy H1 – Housing Development
 - Policy H4 – Backland Development
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN7 – Nature Conservation
 - Policy GEN8 – Vehicle Parking Standards

13.3 Felsted Neighbourhood Plan (2020)

- #### **13.3.1**
- Policy FEL/HN4 – Residential Development Within Development Limits
 - Policy FEL/ICH1 – High Quality Design

13.4 Supplementary Planning Document or Guidance

- Essex Design Guide
- Essex County Council Parking Standard (2009)

14. CONSIDERATIONS AND ASSESSMENT

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

- A) Principle of the development and the impact upon the character and appearance of the site, the street scene and the wider area**
- B) The impact upon the setting of the nearby listed building at Witneys**
- C) The impact of the proposal upon the amenities of the occupiers of the neighbouring properties**
- D) Parking and highway safety**
- E) Other Issues**

14.2 **A) Principle of the development and the impact upon the character and appearance of the site, the street scene and the wider area**

14.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states planning applications must be determined in accordance with the planning policies in the Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (NPPF) are also a material planning consideration, particularly where the policies in the Development Plan are considered to be out of date. The NPPF provides the statutory guidance for determining planning applications at a national level. The Development Plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 18 years old and pre-dates the NPPF (2023). Felsted has a neighbourhood plan.

14.2.2 The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes in the right place at the right time to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.

14.2.3 Paragraph 11d of the NPPF states where there are no relevant Development Plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the Local Planning Authority cannot demonstrate a five year housing land supply), the Local Planning Authority should grant planning permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 14.2.4** The dwelling is located within the development limits of Felsted, (Policy S3) as defined in the Uttlesford Local Plan, which states development compatible with the settlement's character and countryside setting will be permitted within the boundaries if it is in accordance with the policies of the Local Plan. Policy GEN2 of the Local Plan seeks to ensure that development is of an appropriate design compatible with the scale, form, layout, appearance and materials of the surrounding buildings and mitigates any potential harm. In addition, the NPPF seeks to ensure good design is applied to all development.
- 14.2.5** The proposed development accords with national policy in the NPPF in promoting sustainable development in rural areas, enhancing and maintaining the vitality of rural communities. Taking into account the PPG, it is considered that the intent of this policy is to focus new housing development within and adjacent to existing settlements. In addition, the NPPF states that development within rural areas should be granted, providing it can be shown there would be a presumption in favour of sustainable development. Paragraphs 7-10 of the NPPF state a presumption in favour of sustainable development wherein development must comply with the three overarching objectives (paragraph 8);
- a) economic (contributing to building a strong responsive and competitive economy);
 - b) social (providing housing and accessible local services to support strong, vibrant and healthy communities); and
 - c) environmental (protecting and enhancing our natural, built and historic environments).
- 14.2.6** Applying the policy tests in conjunction with paragraph 8 of the NPPF, the following assessment will demonstrate compliance or not.
- 14.2.7** In social and environmental terms, the site is within walking distance of bus stops (approximately 0.4 miles or 0.5 miles to the nearest bus stop – an approximate 8 -10-minute walk). However, the bus services accessible via these bus stops – no.16 – Chelmsford – Wethersfield is an irregular service offering four services a day Monday – Saturday and no services on Sunday. The no. 133 Sapphire service from Felsted Watch House Green – Stansted Airport Coach Station runs an hourly service from 3am until 11.15pm daily. It is therefore considered whilst this service is more regular, neither service would negate the need for a car and therefore the potential reliance upon vehicular use from the site to reach nearby amenities, services etc. The location is also not located conveniently in terms of proximity to the high street and the nearest supermarkets (the closest of which are 1.4 miles and 4.4 miles away). Due to the rural nature of the site, it does not benefit from pedestrian access to local amenities and therefore, vehicular travel will likely be the most utilised form of transport for the future occupiers of the site.
- 14.2.8** The site is not isolated from a spatial/ physical point of view, as it is located within a settlement and would be located close to the host dwelling and

other nearby dwellings. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. As the site is not isolated, nor within the countryside, the proposal complies with paragraph 80 of the NPPF.

14.2.9 Regarding the 'proximity to services' issue, the site location is inappropriate because day-to-day services and public transport links are not regular (car journeys are seemingly therefore inevitable, and accordingly the site would promote car reliance and this therefore impacts upon the sustainability of the scheme), and while a new dwelling within the settlement would support local services, in accordance with paragraph 79 of the NPPF, it would only do so in a very limited manner.

14.2.10 In terms of housing supply, the NPPF states that where the policies which are most important for determining the application are out-of-date (Paragraph 11 (d) of the NPPF), the presumption in favour of sustainable development applies. The current five- year housing land supply figure for the Council is 4.89 years. The Council's housing policies are out of date therefore. A new dwelling would make a modest contribution to the social strand of sustainable development and the Council's housing figure. The application site is located within the development limits of Felsted where development compatible with the settlement's character and countryside setting will be permitted.

14.2.11 However, the proposal is considered to be back landform of development as the site does not have a road frontage. Local Plan Policy H4 advises that back land development will be permitted if a number of criteria are met;

- a) there is significant under- use of land and development would make more effective use of it;
- b) there would be no material overlooking or overshadowing of nearby properties.
- c) development would not have an overbearing effect on neighbouring properties; and
- d) access would not cause disturbance to nearby properties.

14.2.12 No information has submitted demonstrating that the application site is under- used (it is used an informal car park for the surrounding dwellings). However, it could be argued that the introduction of a new dwelling on the site would represent a more effective use of the land. The assessment of the character and setting is set out in later this report; however, the proposal would include the introduction of a detached bungalow. While it would include sufficient amenity in accordance with The Essex Design Guide and the national standards and the dwelling would have an overall floorspace which would comply with the national standards, the bedroom accommodation would fall short of the required standards. The Technical Housing Standards – Nationally Described Housing Standards document (2015) requires a two bed, three-person, single storey dwelling to have a gross internal area of 61 sqm. This would be achieved by the proposal. However, the guidance also requires a double bedroom to have a floorspace of 11.5 sqm and a single bedroom to have a floorspace of 7.5

sqm. Both bedrooms on plan 2588/2 are shown have a floorspace of 9 sqm. There is therefore a shortfall in the quality of the accommodation that would be provided by the development, contrary to Policy GEN2 of the Local Plan.

14.2.13 Moreover, it is considered that the development would result in a harmful impact upon the character of the site and would not be compatible with the existing layout of the settlement of Felsted. Policy FEL/HN4 of the Felsted Neighbourhood Plan (2020) stipulates residential development within residential limits must not harm the character of the area or result in adverse impacts upon the local highway network. Although within the development limits, the openness of the site performs the function of defining and containing the extent of built form of the existing dwellings. The proposed dwelling would diminish the sense of place and the local distinctiveness of the area as it would be at variance to the established character of the area with the dwellings fronting established roads. While the dwelling would only be single storey and would be sited fairly centrally within the plot, it would not be compatible with the existing pattern of development, which fronts the surrounding roads. Taking into consideration the above factors, it is considered the proposal would not be in keeping with the character and appearance of the area and is therefore contrary to Policy GEN2 of the Uttlesford Local Plan (2005), Policy FEL/HN4 of the Felsted Neighbourhood Plan (2020) and the National Planning Policy Framework (2023).

14.3 B) The impact upon the setting of the nearby listed building at Witneys

14.3.1 Policy ENV2 of the Local Plan requires that development have an acceptable impact upon the setting of listed buildings. At the time of the appeal on the site following the refusal on the previous application there (for a one and a half storey dwelling with large crown roof), the Inspector considered that the proposal would not have an adverse impact upon the setting of the nearby listed building at Witneys (to the south of the site) due to the distance between the properties.

14.3.2 The current proposal is for a smaller bungalow with no accommodation in the roofspace. It would have a ridge height about one metre lower than the refused dwelling and would have a hipped roof rather than a crown roof. While it would be a little closer to the listed Witneys than the refused dwelling, it is not considered that it would adversely affect the setting of the listed building due to its reduced size and scale, in compliance with Policy ENV2 of the Local Plan and the National Planning Policy Framework.

14.4 C) The impact of the proposal upon the amenities of the occupiers of the neighbouring properties

14.4.1 Policy GEN2 of the Local Plan requires that development, amongst other things, has an acceptable impact upon the amenity of the occupiers of the surrounding dwellings. The majority of the boundaries of the site comprise

1.8m high close boarded fences, while the boundaries along the access lane to the site comprise 1m high hedges (which extend round to the rear of the dwellings either side of the access. However, in the event that permission is granted for the dwelling, a landscaping condition would be imposed which would include boundary treatments. Given that the bungalow would only be single storey, it is not considered that overlooking or a loss of privacy for the surrounding properties would result.

14.4.2 At least one of the surrounding bungalows has accommodation in the roofspace served by a rear dormer window. This would potentially permit the reverse overlooking of the proposed dwelling. However, given the distance involved (around 25m), it is not considered that the degree of overlooking would be harmful to amenity.

14.4.3 It is therefore considered that the proposed development complies with Policy GEN2 of the Local Plan.

14.5 D) Parking and highway safety

14.5.1 Policy GEN8 of the Local Plan requires development to have an acceptable impact upon highway safety and to comply with the Council's Parking Standards. The proposed bungalow would have two bedrooms: the two parking spaces proposed would ensure compliance with the standards.

Essex County Highways have not raised objection to the application, and it is accordingly considered acceptable from a highway safety point of view.

14.6 E) Other issues

14.6.1 The objectors to the application have raised a number of concerns with the proposed development. Whether there is a right of way to the site or not and whether the access is lawful or not are not issues that need be considered in the application.

14.6.2 The existing use of the site for parking for the surrounding properties is noted. However, this appears to be an informal arrangement and the surrounding roads do not appear to be subject to parking restrictions and accordingly, those vehicles that do use the site to park on, may park on the road in the event that the site is developed.

14.6.3 While it noted that the access road is too narrow for standard construction traffic, it is possible that building materials may be conveyed to the site along the access road on smaller vehicles.

14.6.4 Noise and disturbance created during development is not an issue for consideration in determining a planning application as it is not covered in the planning legislation.

14.6.5 It seems likely that the development would result in the loss of a tree of the site and would accordingly potentially impact upon wildlife. However, this

may be offset in the event of permission being granted through a landscaping scheme.

14.6.6 It is not considered that the grant of permission would represent a precedent for further development in the area as each application is dealt within on its own merits.

14.6.7 In the event of permission being granted, it is felt reasonable to remove the permitted development rights of the property in order to control the potential for the over development of the site and harm to the neighbouring amenities.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The proposed development would have a harmful impact upon the character of the site and would not be compatible with the layout of Felsted by virtue of the introduction of a form of development which would not follow the pattern of the surrounding properties. The dwelling would also

not provide a suitable level of accommodation for its future occupiers by virtue of a substandard sized bedroom.

- 16.2** The development would, however, not have an adverse impact upon the amenities of the occupiers of the neighbouring and surrounding properties through overlooking and loss of privacy, or overbearing impact. Harm to highway safety and the setting of the nearby listed cottage would not arise from the proposal either.

17. REASONS FOR REFUSAL

- 1.** The proposed development, by reason of its scale, height, siting and design, would result in a harmful impact upon the character of the site and would not be compatible with the existing layout of the settlement. The proposed dwelling would diminish the sense of place and the local distinctiveness of the site. The proposed development is accordingly contrary to Policy GEN2 of the Uttlesford Local Plan (2005), Policy FEL/HN4 of the Felsted Neighbourhood Plan (2020) and the National Planning Policy Framework (2023).

- 2.** The proposed development, by virtue of its sub- standard bedroom size, would result in a form of development which would fail to provide a satisfactory standard of accommodation for its future occupiers. The proposed development is accordingly contrary to Policy GEN2 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).

Late List –Planning Committee 25/10/2023

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
6	UTT/22/1261/FUL	None
7	UTT/22/3513/FUL	<p data-bbox="694 339 1482 371"><u>Highways Authority Comments – 18th October 2023:</u></p> <p data-bbox="694 408 2033 472">From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:</p> <ol data-bbox="694 509 2033 1318" style="list-style-type: none"> <li data-bbox="694 509 2033 675">1. Prior to occupation of the development the one-way vehicular access to the northwest shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety. <li data-bbox="694 711 2033 911">2. Prior to occupation of the development the vehicular access to the southeast 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. <li data-bbox="694 948 2033 1182">3. Prior to occupation of the development, the existing footway fronting the development shall be widened to 2-metres, to include but not limited to, relocating the existing pedestrian crossing accordingly and providing an additional pedestrian crossing opposite the cemetery gates, the footway extent to the northwest being the Telephone exchange access. For the avoidance of doubt, this shall include full depth reconstruction and surfacing of whole width of the footway. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority (Development Management team) and shall be implemented prior to occupation. Reason: In the interest of highway safety and accessibility. <li data-bbox="694 1219 2033 1318">4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

	<p>5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety</p> <p>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.</p> <p><u>Informative:</u> 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.</p> <p>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.</p> <p>There shall be no discharge of surface water onto the Highway.</p> <p>Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.</p> <p>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.</p> <p><u>Note:</u></p>
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		<p>The Highway Authority welcomes the proposal of a new footway connection to the existing Public Right of Way network, as shown on the submitted drawings, however these footway links will need to have a bound surface for the ease of use of the public, but they would not be adopted by ECC, therefore a maintenance strategy should be agreed between the applicant and UDC should this application be granted consent.</p> <p><u>Felsted Parish Council Comments – 18th October 2023:</u></p> <ul style="list-style-type: none"> • Serious procedural questions as to why material changes have been accepted so late. • Why has the disingenuous and misleading claim of a direct association with Linsell’s of Felsted not been corrected? • Questioning the validity of the Road Safety Audit <p>Appendix from 2023:</p> <ul style="list-style-type: none"> • Felsted Parish Council strongly objects to this application. • The proprietor of the existing village shop (Linsell’s) does not support this application and has asked to be disassociated from it. • With no recorded contractual arrangement between the applicant and the proprietor of the existing village shop and Post Office, there can be absolutely no guarantee that a new shop in this location would operate as a food/general convenience store. • Without any confirmation that the existing village shop and Post Office would transfer to this site, there is no realistic expectation that a second Post Office permit would be granted. • UDC’s 2018 SLAA status concluded that “The site is considered unsuitable as it would lead to a coalescence of Felsted and Causeway End and would not contribute to a sustainable pattern of development”. • Contrary to repeated implied claims in the applicants “Design & Access Statement” the Felsted Neighbourhood Plan does not support this location.
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		<ul style="list-style-type: none"> • The site is outside the VDL's and is therefore contrary to UDC Policy S7 • The location would necessitate an increase in local residents driving through the T junction in the VDL, thus increasing congestion contrary to the requirements of FNP Policy FEL/HVC5 • The site is directly opposite and threatens to disrupt an important place of internment and contemplation.
8	UTT/23/0976/FUL	<p>In paragraph 14.10.5 the following sentences should be omitted from the report: Notwithstanding the conflicting positions of the LLFA and the Environment Agency, it is considered reasonable to refuse the application until both consultees are on board given that the concerns raised by the LLFA relate to potential danger to human lives and damage to property. For example, although the volume of the flood storage has been considered appropriate by the Environment Agency, the location and details of the attenuation tank have been deemed inappropriate by the LLFA.</p> <p>And replaced by the following: Notwithstanding the seemingly conflicting positions of the LLFA and the Environment Agency, the different positions that these consultees have adopted relate to the different remits of their assessment, as the LLFA remit is in relation to the surface water (pluvial flooding), whereas the Environment Agency assess fluvial flooding. The site is located within fluvial flood zones 2 and 3a, which is associated with the River Slade. The LLFA states that the first bullet point of their objection response of 05 September 2023 <i>"is in relation to discharge rate, which is important in ensuring the development does not increase the surface water flood risk downstream"</i>.</p>
		The 2 nd bullet point in paragraph 14.12.2 should read "Provision of wheelchair accessible dwellings".
		The 2 nd bullet point in paragraph 14.12.13 should read "Provision of wheelchair accessible dwellings".
		The 2 nd bullet point in the final reason for refusal (paragraph 17.5) should read "Provision of wheelchair accessible dwellings".
9	UTT/23/1731/OP	The 1 st bullet point in paragraph 14.12.2 should read "Provision and maintenance of publicly accessible 'village green' to the south and landscape buffer to the east".
		The 2 nd bullet point in paragraph 14.12.2 should read "Provision of wheelchair accessible dwellings".
		Paragraph 14.14.9 refers to 'less than substantial harm'.
		The first sentence in paragraph 14.14.12 should be replaced by "The proposed housing density has been found in Section B to represent an entirely inefficient use of the land as a resource, which would compromise the ability of future generations to meet their housing needs".
		The 1 st bullet point in paragraph 14.14.14 should read "Provision and maintenance of publicly accessible 'village green' to the south and landscape buffer to the east".
		The 2 nd bullet point in paragraph 14.14.14 should read "Provision of wheelchair accessible dwellings".

		The first reason for refusal should be replaced by the following: The application of paragraph 202 of the National Planning Policy Framework (2023) that protects designated heritage assets of particular importance provides a clear reason for refusing the proposed development under paragraph 11(d)(i) of the Framework. The principle of the development is not acceptable. Therefore, the proposal fails to comply with the National Planning Policy Framework (2023).
		The fourth reason for refusal should be replaced by the following: Notwithstanding the reasons for refusal above, the proposed housing density of the scheme would represent an inefficient use of the land, which would obstruct the continuous achievement of an appropriate supply of housing in the district and it would compromise the ability of future generations to meet their housing needs. Therefore, the proposal would be contrary to paragraphs 119, 125(c) and 124(a) of the National Planning Policy Framework (2023).
		The sixth reason for refusal is DELETED.
		The 1 st bullet point in the seventh reason for refusal should read “Provision and maintenance of public open space”.
		The 3 rd bullet point in the seventh reason for refusal should read “Provision of wheelchair accessible dwellings”.
10	UTT/23/1412/FUL	None
11	UTT/23/1734/FUL	None
12	UTT/23/0068/FUL	None
13	UTT/23/0515/FUL	None

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarised

Late items from **STATUTORY CONSULTEES** are reproduced in full.