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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 22nd November, 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 - 15

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 16

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 17 - 20

To note the Quality of Major Applications Report.
- 5 S62A Applications** 21 - 23

To note the S62A Applications Report.
- 6 S62A/2023/0023. UTT/23/2193/PINS - Land at Eastfield Stables, May Walk, Eisenham Road, STANSTED** 24 - 52

To consider making observations to the Planning Inspectorate in respect of UTT/23/2193/PINS.
- 7 UTT/19/2838/DOV - Land East of Thaxted Road, SAFFRON WALDEN** 53 - 60

To consider application UTT/19/2838/DOV.
- 8 UTT/22/2997/OP - Land between Walden Road and Newmarket Road, GREAT CHESTERFORD** 61 - 189

To consider application UTT/22/2997/OP.

- 9 UTT/22/3470/OP - Land North of Baynard Avenue, FLITCH GREEN** 190 - 242

To consider application UTT/22/3470/OP.

PLEASE NOTE THAT ITEM 10 WILL NOT BE TAKEN BEFORE 2.00pm

- 10 UTT/23/0878/DFO - Land to the West of Thaxted Road, DEBDEN** 243 - 282

To consider application UTT/23/0878/DFO.

- 11 UTT/21/3783/OP - Land at New Bury Meadow, HATFIELD BROAD OAK (WITHDRAWN)**

This item has been withdrawn.

- 12 UTT/23/1439/FUL - Land East of the Stag Inn, Duck Street, LITTLE EASTON** 283 - 311

To consider application UTT/23/1439/FUL.

- 13 UTT/23/2141/FUL - Land South of Cornells Lane, WIDDINGTON** 312 - 334

To consider application UTT/23/2141/FUL.

- 14 Late List** 335 - 342

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.

Meetings And The Public

Members of the public are welcome to attend any Council, Cabinet or Committee meeting and listen to the debate.

All live broadcasts and meeting papers can be viewed on the Council's website, through the [Calendar of Meetings](#).

Members of the public and representatives of parish and town councils are permitted to speak at this meeting and guidance on the practicalities of participating in a meeting will be circulated, following the deadline to register to speak. If you have any questions regarding participation or access to meetings, please call Democratic Services on 01799 510 369/410/460/548. Alternatively, enquiries can be sent in writing to committee@uttlesford.gov.uk.

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, 25
OCTOBER 2023 at 10.00 am**

Present: Councillor R Freeman (Chair)
Councillors N Church, J Emanuel, R Haynes, M Lemon,
J Loughlin and M Sutton

Officers in attendance: C Bonani (Planning Lawyer), N Brown (Head of Development Management and Enforcement), T Gabriel (Senior Planning Officer), M Sawyers (Planning Officer), C Shanley-Grozavu (Democratic Services Officer) and A Vlachos (Senior Planning Officer)

Public Speakers: A Balaam, S Bampton, M Carpenter, D Cox, Councillor J Evans, Councillor S Gill, Councillor R Freeman, R Humphery KC, T Malin, E Manzi, Councillor N Robley, L Sivyer, G Stainer, P Walters and F Woods

PC79 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Bagnall.

Councillor Lemon declared a pecuniary interest in Items 10 and 11 and confirmed that he would recuse himself on these items.

For transparency, he also declared that Item 6 was within his ward.

PC80 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 27 September 2023 were approved as an accurate record.

PC81 **SPEED AND QUALITY REPORT**

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

The report was noted.

PC82 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report.

He confirmed that the Council had published a land supply figure is 5.14 years, which included the 5% buffer, and the inspectors of the ongoing appeals had been advised of this. However, as the Council's Local Plan was not up to date, paragraph 11(d) of the National Planning Policy Framework (NPPF) was still

engaged whereby planning applications would still be determined on a case-by-case basis using the principles of tilted balance.

The report was noted.

PC83 S62A APPLICATIONS

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

The report was noted.

PC84 UTT/22/1261/FUL - LAND TO THE WEST OF MILL LANE, HATFIELD HEATH

The Planning Officer presented an application for the demolition of 10 existing structures, the conversion and restoration of 8 existing buildings to form 8 holiday cottages and 1 dwelling, the construction of 3 single storey dwellings and the creation of a pedestrian and cycle link path.

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 the following:

- Place Services had raised concerns regarding the proposed installation of glass balconies and balustrades. It was therefore conditioned that samples of the materials to be used on the external finishes would need to be submitted and approved prior to the commencement of construction.
- Developments in the Green Belt were only deemed acceptable in “exceptional circumstances”. In this case, this would be by bringing a non-designated heritage asset back into use.
- The site owners would be required to apply for further Planning Permission if they wished to change the buildings from one Use Class to another: for example, the conversion into residential properties.
- The construction of the three single story dwellings were required in order to enable the non-designated heritage asset to be brought back.
- The decision to depart from the original site footprint was made by the developer.

Officers confirmed that the 2019 appeal had not been referenced in the report, nor considered in the officer’s recommendation. The appeal had been for a larger site with more dwellings but had been dismissed for various reasons including the impact on the Green Belt, the character and appearance of the area, heritage and highway safety. These had since been addressed in the most recent application.

Members discussed:

- If approved, the proposal may open pathways for other developers to build on Green Belt.
- Mill Lane was too narrow to accommodate the additional traffic and could not be widened as householders owned the land adjacent to the highway.

- Holiday homes in Hatfield Heath was not a viable proposal.
- There was a need for more affordable housing in the area.
- The proposal was an opportunity to bring back a non-designated heritage asset which would otherwise deteriorate further and be forgotten.
- Both members and the applicant did not consider the application to be enabling development and there was no evidence submitted in support of it.
- A scheme for the site needed to be brought forward which was sympathetic to the heritage.
- The decision could be subject to Judicial Review as the recent appeal was not considered.
- The application could be deferred to revisit the appeal and consider if the dismissal reasons had been addressed in the current application.
- There was no consensus within the local community as to what should happen to the site.

The Legal Officer confirmed that the 2019 appeal decision was a material consideration and the lack of reference could be challenged at a Judicial Review.

Councillor Lemon proposed that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of Policy S6 (building on the Metropolitan Green Belt).

This was seconded by Councillor Loughlin; however she later withdrew her support, following the Legal Officer's advice regarding the 2019 appeal decision.

The proposal was withdrawn.

Councillor Sutton proposed that the application be deferred so that consideration may be given to the 2019 appeal decision.

This was seconded by Councillor Emanuel.

RESOLVED that application be deferred.

D Cox and Councillor N Robley (Hatfield Heath Parish Council) spoke against the application and S Bampton (applicant) spoke in support.

The meeting was adjourned between 11.11 and 11:21

PC85 **UTT/22/3513/FUL - LAND EAST OF CHELMSFORD ROAD, FELSTED**

The Planning Officer presented an application for a mixed-use development, comprising a relocated and improved village convenience store, incorporating a Post Office, together with area for farmers market, three first floor offices with dedicated parking facilities and multi-use overspill area. Together with nine dwellings comprising a one-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.

He recommended that the application be refused for the reasons set out in section 17 of the report.

In response to questions from Members, officers clarified the following:

- The site was located on Grade II agriculture land.
- The car parking provision for the farmers market would consist of eight standard spaces, two parent and child spaces and one disabled space.
- Policy S7 was partially compliant with the NPPF's stance on development in the Countryside.
- The Council's current land supply figure was 5.14 which included a 5% buffer. This would still be subject to disputed and challenge by developers.

Members discussed:

- No objections had been raised by any of the statutory consultees.
- Additional employment opportunities would be brought to the area.
- There would be a reduction in the dependency on cars and buses to travel to amenities outside of the village limits.
- The proposal was disproportionate as it was an expansion from a small village shop to a full-scale development.
- The site was located at a distance from the nearest bus services.
- There was insufficient car parking provision to support a farmers market.
- The development would lead to the coalescence of Felsted and Causeway End.
- There was ambiguity around the involvement of the current village shop; they previously supported the application, but this has since been withdrawn.
- There were concerns around the design and layout; the two entrances were highlighted as particularly unacceptable.
- Policy FEL/HVC2 of the Felsted Neighbourhood Plan supported the relocation of the existing village shop and Post Office, however to a location no less accessible to users and which will not exacerbate existing traffic congestion and parking issues.

Councillor Emanuel proposed that the Strategic Director of Planning be authorised to refuse permission for the development subject to those items set out in section 17 of the report.

This was seconded by Councillor Sutton.

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

Cllr J Evans and Councillor R Freeman (Felsted Parish Council) spoke against the application and R Humphrey KC spoke in support.

PC86

UTT/23/0976/FUL - KING EDWARD VI ALMSHOUSES, ABBEY LANE, SAFFRON WALDEN

This item had been withdrawn prior to the meeting.

The Senior Planning Officer presented 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.

He recommended that the application be refused for the reasons set out in section 17 of the report (as amended in the Late list).

In response to questions from Members, officers clarified the following:

- Paragraph 14.3.16 mistakenly stated that the site covers an area of 14.5 hectares (whereas it covers 1.45 hectares) and the proposal would give a housing density of 0.4 dwellings per hectare (whereas it gives 4 dwellings per hectare).
- As shown in the most recent progress report on self-build and custom housebuilding, there is a surplus of planning permissions granted for serviced plots in Uttlesford which meant that the proposed six self-build units would comprise a limited benefit of the scheme.
- As outlined in Footnote 55 of the NPPF, proposals in Flood Zone 1 require a Flood Risk Assessment (FRA) when the site is one hectare or more. The Lead Local Flood Authority (LLFA) raised an objection on the grounds of insufficient information as an FRA or drainage strategy have not been submitted with the application. The LLFA objection means that it has not been demonstrated that the proposed development would not increase flood risk on the site or elsewhere.
- Whilst the reason for refusal around flood risk was a technical issue which could be addressed through the submissions of the appropriate evidence, there were five other reasons for refusal, including the principle of the development, that would not be addressed if the flood risk concerns were resolved.
- The 40% affordable housing contribution could be triggered despite the exemption under paragraph 65 of the NPPF.
- The proposed development would harm the rural character and appearance of the area.
- The proposed density would represent an inefficient use of the land.
- The 'less than substantial harm' caused by the proposal to the significance of the heritage assets was weighed against the public benefits of the proposal and the heritage balance was against the scheme.
- The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Members discussed:

- Objections had been raised on the grounds of harm to the rural character and appearance of the area, as well as to the nearby designated heritage assets.
- The proposal would coalesce two distinct parts of Clavering (Hill Green and Stickling Green) which would have detrimental impact on the openness of the countryside.

- There was no means of sustainable transport in which to access the site or everyday services and facilities. Footways are not appropriate for walking to these services and facilities.
- No FRA or drainage strategy had been submitted; thus the application had not yet demonstrated that the proposed development would not increase flood risk on the site or elsewhere.
- The location of the site was away from the most sustainable part of Clavering village.

Councillor Haynes proposed 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 (as amended in the Late list).

This was seconded by Councillor Lemon.

RESOLVED 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 (as amended in the Late list).

F Woods, G Stainer, Lisa Sivyer and P Walters spoke against the application.

A statement from Councillor S Gill (Clavering Parish Council) against the application was also read out.

M Carpenter (Agent) and A Balaam (Applicant) spoke in favour of the application.

The meeting adjourned from 12:50 and 14:00

Councillor Lemon recused himself at 14:00

PC88 **UTT/23/1412/FUL - LAND AT SUNNYBROOK FARM, BRAINTREE ROAD, FELSTED**

The Senior Planning Officer presented a 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).

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

In response to questions from Members, officers clarified the following:

- The on-site electricity substation would be removed.
- The site was allocated as part of the Felsted Neighbourhood Plan so that the Parish could deliver its housing requirements and in particular that such housing would enable the provision of a community car park to mitigate the congestion caused by school traffic. To make this viable, the requirement for affordable housing was removed.

Members discussed how the proposed amendments reflected the development of the site in line with the requirements of the market.

Councillor Emanuel proposed approval of the application, subject to those items set out in section 17 of the report.

This was seconded by Councillor Church

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

PC89 UTT/23/1734/FUL - LAND AT POUND HILL, LITTLE DUNMOW

The Senior Planning Officer presented a S73 application relating 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 dwellings at Land at Pound Hill in Little Dunmow. The same number of dwellings were proposed in the current application, as well as the same numbers of affordable dwellings (one dwelling and two flats, at 21.5%).

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 the following:

- The Heritage Officer previously objected on the basis of the External Materials Schedule submitted including the use of white uPVC which would have had an adverse impact on the three adjacent Grade II listed cottages.
- The current application omits details of any proposed materials; however these would be agreed with the Heritage Officer under Condition 3 of approval of the original scheme UTT/19/1789/FUL.

Members discussed:

- The modification from semi-detached to detached units was acceptable.
- There was general agreement with the scheme, provided that the condition surrounding the material of the windows was discharged.

Councillor Haynes proposed that the application be approved, subject to the conditions set out in section 17 of the report.

This was seconded by Councillor Church

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

Councillor Lemon returned at 14:18

UTT/23/0068/FUL - GROVE COURT, NURSERY RISE, GREAT DUNMOW

The Senior Planning Officer presented an application 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; 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.

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 the following:

- It was the responsibility of Social Services to ensure that the existing residents which they were supporting continued to have their social care needs met whilst the building works were carried out.
- The existing building was for supported independent living and was not a nursing home.

Members discussed:

- The change from bedsits to one- and two- bedroom flats was acceptable.
- The communal accommodation would be reduced in order to be able to increase the number of flats available in the development.
- Whilst it was not in the committee's gift to impose, members felt that it was important that the applicant control the disruption for existing residents as much as possible.

Councillor Church proposed approval of the application, subject to the conditions set out in section 17 of the report.

This was seconded by Councillor Sutton

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.

E Manzi spoke neither in support or opposition of the application.

UTT/23/0515/FUL - GLAN HOWY, BANNISTER GREEN, FELSTED

The Senior Planning Officer presented an application 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 served an informal car parking area to the rear of 12 – 18 Burnstie.

He recommended that the application be refused for the reasons set out in section 17 of the report.

In response to questions from Members, officers clarified the following:

- It was not the responsibility of the Planning Authority to determine the rights of access of a site and this would need to be secured by the applicant before any construction could commence.
- One of the two proposed bedrooms was slightly below the required size prescribed in the Nationally Described Space Standards (NDSS). However this could be resolved through an amendment to the floor plan.
- There would be substantial garden space and sufficient parking provisions left for the host property, after the dwelling was built.
- In order to address the Housing Officer's concerns around construction vehicles, it was in the gift of members to condition a Construction Management Plan to be agreed before development commenced to ensure that all relevant traffic was off of the highway.

Members discussed:

- The recent site visit addressed their concerns raised from the report.
- There was no specific character in the area to comply with as street scene was already diverse.
- The setting of the nearby listed building had been previously compromised and surrounded by modern developments.
- The loss of a willow tree at the western boundary of the property would have positive and negative impacts.

Councillor Sutton proposed approval for the following reasons:

1. The sub-standard bedroom size could be addressed through the implementation of a condition.
2. The dwelling, as resigned, did not result in a harmful impact upon the street scene or nearby heritage asset.

The approval of the application would be subject to the following conditions:

1. Time (to commence development within 3 years)
2. Approved plans
3. Materials to be approved
4. Hard and soft landscaping, including levels
5. Implementation of an approved landscaping scheme
6. Approval of any proposed external lighting details
7. Provision of cycle parking
8. Removal of Permitted Development Rights
9. Amended room sizes in line with the national standards
10. Securing the means of access

This was seconded by Councillor Church.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to the above conditions.

T Malin (applicant) spoke in support of the application.

The meeting ended at 14:56

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% (83.33%**)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.06%)	70% (84.82%**)	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% (12.16%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.31%)	10% (1.67%*)	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*

Committee: Planning Committee
Date: 22 November 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	9	4	12.16%
Apr 2022 - Mar 2024	70	20	11	2	2	7	2.86%

**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	£84,854.48	£30,392.28

**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	Dates of Hearing/Inquiry – if known
UTT/21/1833/FUL	Land West Of Thaxted Cutlers Green Lane Thaxted	Public Inquiry	Inquiry closed
UTT/21/3272/OP	Land South Of Stortford Road Little Canfield	Hearing	Hearing closed
UTT/22/1275/OP	Land At Parsonage Farm Parsonage Farm Lane Great Sampford	Hearing	Hearing closed
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	Hearing closed
UTT/22/3094/FUL	Land To The North Of Birchanger Lane Birchanger	Hearing	Hearing closed
UTT/22/1578/OP (Lodged)	Land To The North Of Eldridge Close Clavering		

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

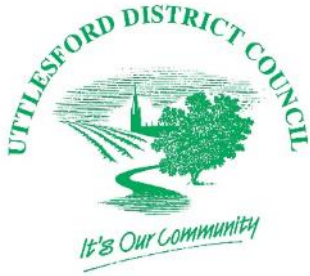
Applications which have been submitted direct to the Planning Inspectorate

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	Opinion Given
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	Approve with Conditions – 31 October 2023
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	Opinion Given
27/08/2023	S62A/2023/0023	UTT/23/2193/PINS	Land At Eastfield Stables May Walk Elsenham Road Stansted	Consultation on S62A/2023/0023 - Proposed erection of 5 no. residential dwellings and associated infrastructure.	Consultee	

24/10/2023	S62A/2023/0027	UTT/23/2682/PINS	Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley	S62A/2023/0027- Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.	Consultee	
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Agenda Item 6



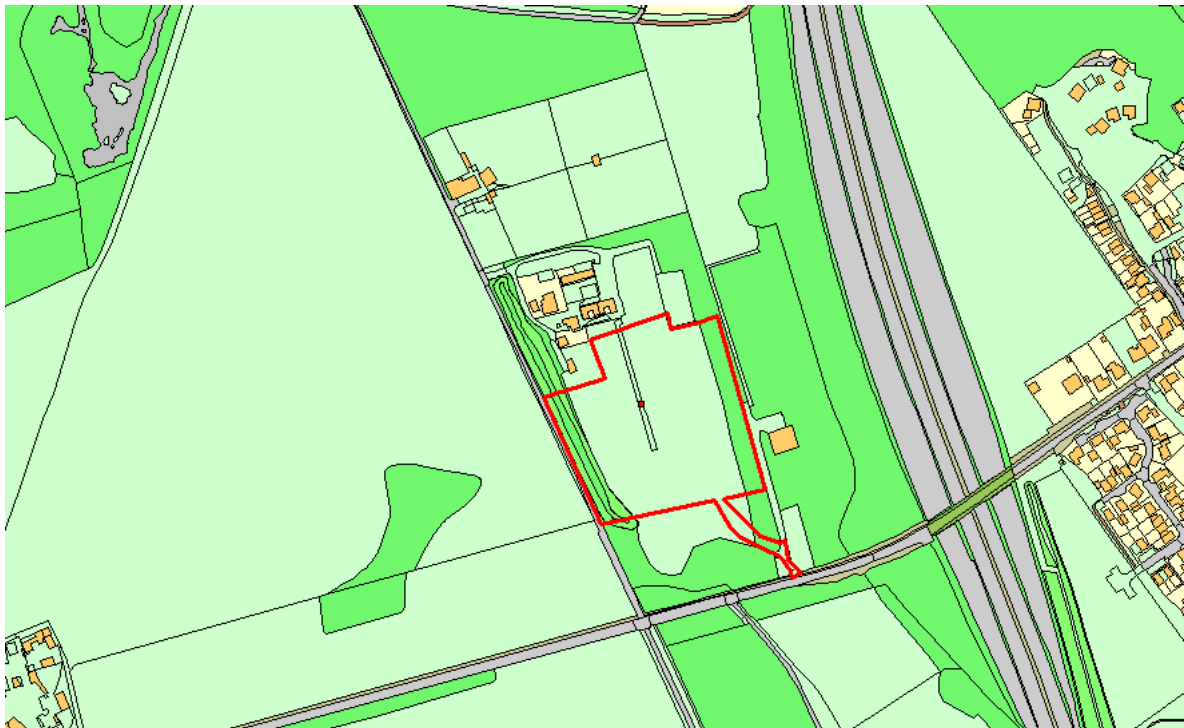
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 22 November 2023

REFERENCE NUMBER: S62A/2023/0023
UTT/23/2193/PINS

LOCATION: Land At Eastfield Stables May Walk
Elsenham Road
Stansted

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 01 November 2023

PROPOSAL: Consultation on S62A/2023/0023 - Proposed erection 5 residential dwellings and associated infrastructure.

APPLICANT: Mr S Richardson (NB Investments UK Ltd)

AGENT: Mr V Ranger (Ranger Management & Design Services)

DATE CONSULTATION RESPONSE DUE: 24 November 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Road Classification (Elsenham Road/Stansted Road – B Road).
Within 2km of SSSI.
Oil Pipeline Hazardous Installation.
Within 6km of Stansted Airport.
Within 250m of Ancient Woodland (Alsa Wood).
Within 250m of Local Wildlife Site (Alsa Wood).
Public Right of Way (Bridleway).

REASON THIS CONSULTATION IS ON THE AGENDA: This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.
Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

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

1. RECOMMENDATION

Request that the Planning Inspectorate REFUSE the application for the reasons set out in section 15 of this report.

2. SITE LOCATION AND DESCRIPTION

2.1 The application site comprises open, paddock land, located outside the development limits between Stansted and Elsenham to the west of the M11 motorway. The wider site of Eastfield Stables under the applicant's ownership is not used for agricultural purposes; to the northern part of the

wider site all previous agricultural buildings have been converted to residential dwellings and to the southern part a commercial use has been authorised for a 'wellness hub' (works for which have commenced). The converted dwellings include single storey properties with traditional materials and detailing of an equestrian/rural character. A public bridleway runs adjacent to the western boundary of the application site. The overall area contains a distinct rural landscape setting with limited dwellings and other properties of varying architectural styles, sizes, ages and materials.

3. PROPOSAL

3.1 Consultation on S62A/2023/0023 – Proposed erection of 5 no. residential dwellings and associated infrastructure.

3.2 Access to the site would be from Elsenham Road; the access has been previously approved.

3.3 The application includes the following documents:

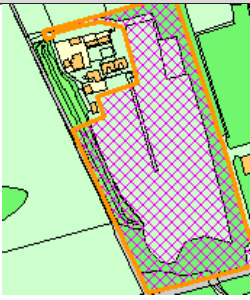
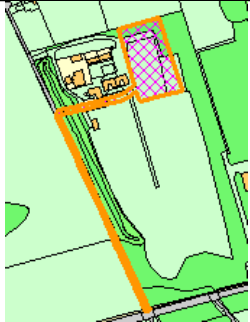


- Application form
- Biodiversity checklist
- Design and access statement
- Supporting planning statement
- Utilities statement
- Design and access statement Appendix I NPPF compatibility assessment
- Design and access statement Appendix II 5YHLS Dec 2022
- Design and access statement Appendix II Part A 5YHLS Oct 2023
- Design and access statement Appendix III Call for sites 2021
- Design and access statement Appendix IV Ecological appraisal
- Design and access statement Appendix V Landscape and visual appraisal
- Design and access statement Appendix VI Transport statement
- Design and access statement Appendix VII appeal decision
- Design and access statement Appendix VIII appeal decision
- Design and access statement Appendix IX appeal decision
- Design and access statement Appendix X Part B map
- Design and access statement Appendix X Sheet 1 of 4 map
- Design and access statement Appendix X Sheet 2 of 4 map
- Design and access statement Appendix X Sheet 3 of 4 map
- Design and access statement Appendix X Sheet 4 of 4 map
- Design and access statement Appendix XI Part A appeal decision
- Design and access statement Appendix XII map
- Design and access statement Appendix XIII
- Design and access statement Appendix XIV Flood Risk Assessment
- Design and access statement Appendix XV Draft Heads of Terms




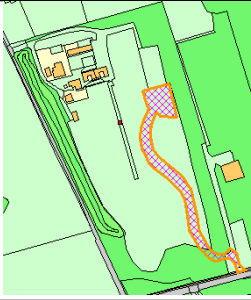


4. ENVIRONMENTAL IMPACT ASSESSMENT





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






5. RELEVANT SITE HISTORY

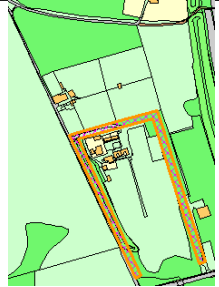
5.1

References	Status	Plots	Proposal
UTT/20/1643/FUL	Appeal dismissed		Erection of 11 no. dwellings including alterations to existing access, formation of new internal road, landscaping and associated infrastructure.
UTT/18/2351/OP	Appeal dismissed		Outline application, with all matters reserved except for access, for residential development of 5 no. dwellings.
UTT/23/2239/FUL	Refused		Erection of 3 holiday let cottages.
UTT/23/2215/FUL	Approved with conditions		S73 application to vary condition 2 (approved plans) of UTT/21/2687/FUL (Improvement of existing vehicular access point and the construction of a single storey 'wellness hub' building and associated car, cycle and motorcycle parking area) allowed on appeal in order to

			amend the approved plans.
UTT/23/1105/FUL	Refused & Appeal lodged		Erection of the third agricultural building approved under planning application reference UTT/1282/93/FUL in a different location and completion of the internal access road.
UTT/23/1473/CLP	Refused		Erection of third building of 3 approved under reference UTT/1282/93/FUL.
UTT/23/1223/FUL	Refused		Construction of 3 no. holiday let cottages and associated infrastructure together with improvements to site access.
UTT/23/0178/FUL	Appeal in progress		Erection of a stable.
UTT/22/2746/FUL	Approved with conditions	 Plots 2, 2A, 7, 8	Erection of a single storey garage block for plots 2, 2A, 7 and 8.
UTT/22/1170/FUL	Appeal dismissed		Relocation of the third of 3 agricultural buildings approved for construction under

			reference UTT/1282/93/FUL and the completion of the internal road also approved under the same reference.
UTT/21/2687/FUL	Appeal allowed		Improvement of existing vehicular access point and the construction of a single storey 'wellness hub' building and associated car, cycle and motorcycle parking area.
UTT/21/1299/FUL	Appeal allowed	 Plots 7, 8	Erection of 2 no. semi- detached single storey dwellings and associated development.
UTT/20/3225/FUL	Approved with conditions	 Plot 1	Demolition of existing dwelling and erection of replacement dwelling.
UTT/20/0780/FUL	Approved with conditions	 Plots 2, 2A (amended scheme to UTT/18/0517/FUL below)	S73a Retrospective application for the change of use and convert the existing building into 2no. 1 bedroom live/work dwellings (revised scheme to approved UTT/18/0517/FUL).

UTT/19/2777/FUL	Appeal dismissed	 <p style="text-align: center;">South of plot 5</p>	Change of use of redundant animal shelter into a residential dwelling.
UTT/19/1728/FUL	Approved with conditions	 <p style="text-align: center;">West of plot 1</p>	Section 73A Retrospective application for continued use of the building as a dwelling.
UTT/19/1012/FUL	Appeal allowed	 <p style="text-align: center;">Plot 5</p>	Change of use and conversion of existing barn into a single residential dwelling.
UTT/19/0312/FUL	Approved with conditions	 <p style="text-align: center;">Plots 3, 4</p>	Change of use and conversion of an existing redundant livery stable block, into 2 no. dwellings.
UTT/18/0517/FUL	Approved with conditions	 <p style="text-align: center;">Plots 2, 2A (superseded by UTT/20/0780/FUL)</p>	Change of use and conversion existing building into a dwelling.

UTT/16/1278/FUL	Approved with conditions	(superseded by other permissions)	Retrospective application for the use of stables, ménage, barns and field shelter for commercial livery purposes.
UTT/1282/93/FUL	Approved with conditions	Plots 2, 2A, 7, 8 (found in UTT/23/1473/CLP to be inconsistent with other permission, physically impossible to implement)	Erection of three agricultural buildings (for rabbit breeding) and construction of access to highway.
UTT/1105/90	Approved with conditions		Formation of landscaped mound around field boundary.

6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

6.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community. The Localism Act 2011 also requires pre-application consultation on certain types of planning applications made in England.

6.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this application. the applicant did not undertake any community consultation with the public as the application form. A statement of community involvement has not been submitted.

7. STATUTORY CONSULTEES

7.1 All statutory consultees will write directly to PINS within the 21 days period being the 20 November 2023 and are thereby their responses are not appended in this report.

8. PARISH COUNCIL COMMENTS

8.1 These should be submitted by the Parish or Town Council directly to PINS within the 21-day consultation period being 20 November 2023 and are thereby not informed within this report. Elsenham Parish Council and Stansted Town Council have previously commented on applications on the wider site of Eastfield Stables.

9. CONSULTEE RESPONSES

9.1 All consultees' comments should be submitted directly to PINS within the 21-day consultation period being 20 November 2023 and are thereby not informed within this report.

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending 20 November 2023. All representations should be submitted directly to PINS within the 21-day consultation period.

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

11. MATERIAL CONSIDERATIONS

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

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

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

11.3 The Development Plan

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

Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport, Quendon 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).

12. POLICY

12.1 National Policies

12.1.1 National Planning Policy Framework (2023)

12.2 Uttlesford District Plan (2005)

12.2.1	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
	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
	ENV11	Noise Generators
	ENV12	Protection of Water Resources
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

12.3 Neighbourhood Plan

12.3.1 There is no 'made' Neighbourhood Plan for the area.

12.4 Supplementary Planning Document or Guidance

12.4.1 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace

13. CONSIDERATIONS AND ASSESSMENT

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

- 13.2**
- A) Principle of development / Character and appearance**
 - B) 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) Planning balance**
 - L) Other matters**

13.3 A) Principle of development / Character and appearance

13.3.1 Housing land supply:

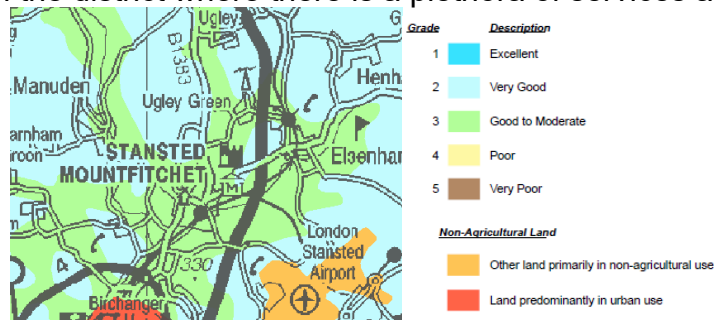
The development site is located outside development limits, within the countryside. The local planning authority (LPA) published in October 2023 a 5-Year Housing Land Supply (5YHLS) figure of **5.14 years**¹; this figure includes the necessary 5% buffer. That said the LPA’s Development Plan cannot be viewed as being fully up to date, and as such, paragraph 11(d) of the National Planning Policy Framework (NPPF, 2023) 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.

13.3.2 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

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).

spatial strategy that seeks to direct development to more sustainable locations in the district where there is a plethora of services and facilities.



13.3.3 Applying Policies S7, GEN2 and GEN1(e) in conjunction with paragraph 8 of the NPPF (economic, social, environmental):

Economic benefits:

The proposal provides a small contribution towards the wider local economy during construction via potential employment for local builders and suppliers of materials.

13.3.4 Location – Isolation, Infill:

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 adjacent to the housing estate of Eastfield Stables that comprises a number of converted dwellings. Paragraph 80 of the NPPF is not applicable.

13.3.5 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 and verdant space at the centre of the wider site that positively contributes to the rural character of the area. Also, notwithstanding the commencement of the works for the ‘wellness hub’³ to the south of the site, this has not been substantially completed or actively used; in any case, infilling refers to the road frontage, not backland development.

13.3.6 Location – Services and facilities:

Stansted and Elsenham offer a wide range of services and facilities, including, but not limited to, schools and supermarkets; however, the housing group in Eastfield Stables does not offer any services and facilities. The nearest serviced bus stop⁴ (Leigh Drive stop – 9’ walk) is

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

³ APP/C1570/W/22/3291446 (UTT/21/2687/FUL) – Allowed on appeal 20 February 2023.

⁴ Bus services include routes 7/7A (service only a few times a day) and 441 (school bus service only twice a day). The application suggests that the nearest bus stop is 200m from the site (Transport Statement, paragraph 2.20). However, this probably refers to the Old Mill Farm stop that is not referenced in the bus schedule of the above routes and is 300m from the site.

700m from the site. The nearest school (Elsenham Primary School – 17’ walk) is 1.2km away and the nearest supermarket (Tesco Express – 13’ walk) is 900m from the site. Notwithstanding the above, there are no pedestrian footpaths, lit, continuous and maintained, that link the application site to the bus stop and the above services and facilities⁵.

13.3.7 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 through the existing footways that are unlit and in poor condition without enough space to accommodate wheelchairs. 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 would fail to comply with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

13.3.8 Character and appearance (countryside, landscape, pattern):
The local character contains a distinct rural feel and countryside setting with some views to the wider landscape and an intrinsic sense of openness (see photographs). The proposal would introduce built form in the countryside with urbanising effects⁶. Therefore, the development would be contrary to policy S7 of the Local Plan and paragraph 174(b) of the NPPF. Notwithstanding the applicant’s comments⁷, 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 character and beauty of the countryside. Applying paragraph 219 of the NPPF to the above, policy S7 should be afforded significant weight.



13.3.9 The Landscape and Visual Appraisal (LVA) submitted with the application reported that the site has medium-to-low landscape and visual value as it

⁵ The application concurs that “*The footway surfaces are in need of repair in certain locations and the level of street lighting and coverage is moderate to poor along the site frontage*” (Transport Statement, paragraph 2.15).

⁶ 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..

⁷ Design and Access Statement, pp. 5, 12-13.

contains features which positively contribute to its character and the surrounding landscape of the Broxted Farmland Plateau and as it offers some views into the site from the public bridleway⁸. The LVA concluded that the proposal “*will have a very limited effect on the landscape of the Broxted Farmland Plateau Landscape Character Area and the visual amenity of local residents and users of local Public Rights of Way*”⁹, including minor beneficial effects to the wider landscape plateau, minor adverse effects to pedestrians on Elsenham Road in the short term and neutral in the long term, as well as minor adverse effects to the occupiers of the converted dwellings in Eastfield Stables¹⁰.

13.3.10 When quantified, **countryside harm** is significant. The site, by reason of its open and verdant nature and visually culminating position¹¹, positively contributes to the rural character and appearance of the area¹². As the construction of the ‘wellness hub’ has commenced, the development would visually and spatially merge the built form within the wider site as it will stop playing the role of a visually defensible boundary between the residential conversions to the north and the ‘wellness hub’ to the south. Contrary to the LVA findings, the extension of urban qualities within this rural landscape would significantly harm the visual amenity of sensitive receptors (residents in Eastfield Stables, bridleway and footway users) due to the loss of area’s tranquillity through the increased noise, lighting, movements and other environmental factors caused by the intensified residential use.

13.3.11 Two appeal decisions that relate to the site are key considerations for the proposal. The **first appeal**¹³ site overlaps with the current application site (see images) and extends further to the north and south. The Inspector found the location inappropriate as the appeal site’s distance and separation from Stansted and Elsenham would not promote sustainable housing development in rural areas where it would enhance or maintain the vitality of rural communities and particularly where it would support local services in a village or a group of settlements, contrary to paragraph 79 of the NPPF¹⁴. In addition, “*the M11 acts as a physical and visual*

⁸ Design and Access Statement, Appendix V (Landscape and Visual Appraisal), paragraphs 5.6.1 and 6.3.1.

⁹ Design and Access Statement, Appendix V (Landscape and Visual Appraisal), paragraph 10.0.1.

¹⁰ Design and Access Statement, Appendix V (Landscape and Visual Appraisal), paragraph 10.0.5-10.0.7.

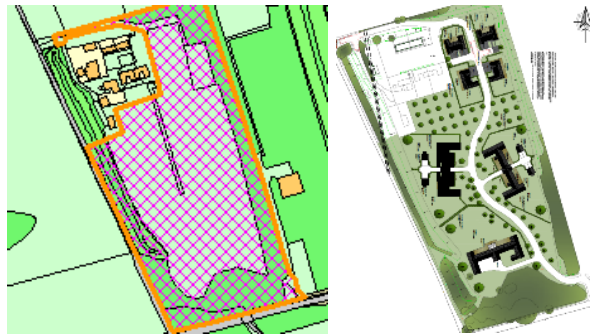
¹¹ As a significant gap between Eastfield Stables to the north and the ‘wellness hub’ to the south of the wider site.

¹² In a very recent appeal decision (APP/C1570/W/23/3321481 – UTT/23/0178/FUL) for the erection of a stable block on an appeal site that is part of the current application site, the Inspector accepted that “*As a grassed and undeveloped plot, the site makes a positive contribution to the surrounding area as open countryside*” (paragraph 8) – Appeal dismissed on 08 November 2023.

¹³ APP/C1570/W/21/3271985 (UTT/20/1643/FUL) for improvements to existing site access, formation of new internal road, tree planting and landscaping, construction of 11 dwellings and associated infrastructure – Appeal dismissed 30 October 2021.

¹⁴ APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraph 8.

boundary separating the main built-up area of Elsenham from the appeal site and with intervening countryside between the motorway and the site it does not relate well to the built form of the settlement, its character and function”¹⁵.



13.3.12 For the issue of character and appearance, the same Inspector confirmed that *“The impact of development on the rural character of an area is not simply restricted to whether it can be seen or not or its detailed design but about how that use would impact on the rural setting”*, and as such, the appeal site plays a part in the flow of open countryside separating Elsenham from Stansted and preventing their coalescence¹⁶. The issue of visibility from the public realm was also confirmed in other appeal decisions in the wider site¹⁷ and a very recent appeal within the current application site, where the Inspector confirmed that *“just because the site is screened does not mean that it makes no contribution to the character of the surrounding countryside or would be suitable for new development”¹⁸*. Similarly to the current application, the scale and design of the first appeal scheme included equestrian style, single storey dwellings (see elevations) that were found inadequate to retain the openness of the site¹⁹ to the detriment of its rural character.



¹⁵ APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraph 8.

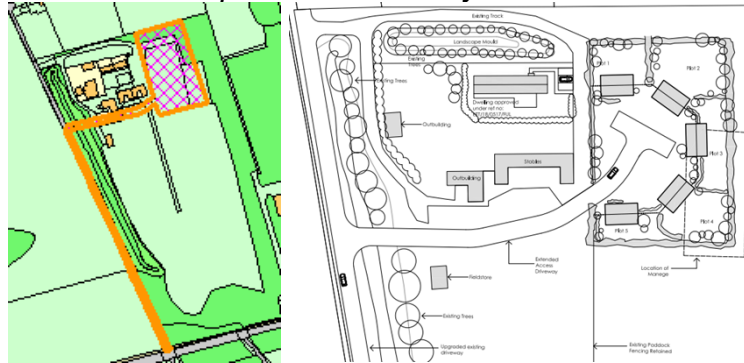
¹⁶ APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraph 10.

¹⁷ In an appeal scheme for agricultural buildings to the north of the current application site (APP/C1570/W/22/3303304 – UTT/22/1170/FUL), the Inspector highlighted that *“just because new development in the countryside would be well hidden from public gaze does not make it acceptable. Although appropriately designed, the proposal would nonetheless detract from the rural character of the area by intruding into undeveloped and open land”* (paragraph 10). The distinction between character and appearance is also relevant on the application.

¹⁸ APP/C1570/W/23/3321481 (UTT/23/0178/FUL), paragraph 11, for the erection of a stable block – Appeal dismissed on 08 November 2023.

¹⁹ APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraph 12.

13.3.13 The **second appeal**²⁰ site was north of the current application site (slightly overlapping its upper part, see image) and contained a menage and grassed areas. Discussing the character and appearance issue, the Inspector reaffirmed the role of the M11 as a physical and visual boundary, separating the appeal site from Elsenham and concluded that the appeal scheme “*would erode the openness and harmfully alter the intrinsic character of this part of the countryside*”²¹.



13.3.14 Both Inspectors noted that the residential use in Eastfield Stables was the result of conversions of agricultural buildings, not new houses²², which is a key difference to current application. The above, combined with the 5YHLS shortfall at the time of the appeal decisions in contrast to the 5.14 years of housing supply reported in October 2023, as well as with the fact that 11 no. units were seen as a modest contribution to the housing shortfall, demonstrate that the harm caused by the proposal to the rural character of the area would not be outweighed by public benefits (see planning balance in Section K).

13.3.15 The proposed dwellings would have identical design and scale that creates a visually monotonous environment without character and identity. Large roofs would visually dominate the units with a poor combination of forms that would lack hierarchy, failing to reflect the Essex Design Guide²³ advice of a principal element to which subsidiary elements are added. This is because the living/dining/kitchen wing would be 16.1m long, whereas the bedroom wing would be 18.7m long (see roof plan). The footprint of the bungalows would be too large for their bedroom numbers and their scale would not be compatible with the scale of the surrounding buildings that are smaller semi-detached or detached properties. The Landscape Masterplan (see below) shows that the main driveway within the site would be tree lined.

²⁰ APP/C1570/W/19/3228484 (UTT/18/2351/OP) for residential development within a section of brownfield land (outline application for 5 no. dwellings) – Appeal dismissed 05 September 2019.

²¹ APP/C1570/W/19/3228484 (UTT/18/2351/OP), paragraph 7.

²² APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraph 9; APP/C1570/W/19/3228484 (UTT/18/2351/OP), paragraph 9.

²³ Essex Design Guide, Section ‘Building Form’ -

<https://www.essexdesignguide.co.uk/design-details/architectural-details/building-form/>



- 13.3.16** Therefore, the proposed layout, the unified appearance and the large footprint of the bungalows would create a suburban layout and appearance for the development that would further harm the rural character of the area, in conflict with paragraph 130 of the NPPF, and policy GEN2 of the Local Plan.
- 13.3.17** The proposed materials reflect the agricultural past of the site but are not enough to remove the suburban aesthetic of the scheme. The existing landscaped buffers on the edges of the site and the proposed landscaping measures are also inadequate to materially diminish the above harm, plus they can vary due to health and season, and as such, they cannot be relied upon continuously.
- 13.3.18** The low density of the development (see below) would not reduce its significant harm to the countryside character of the area, as the latter is attributed primarily to the urbanisation effects of the proposal, the significant built form and suburban character and the loss of the paddock land on the entirety of the site for the benefit of residential gardens.
- 13.3.19** 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.
- 13.3.20** The application site covers an area of 1.98 hectares, and as such, the development of 5 no. units would result in a proposed density of 2.5 units per hectare for the site, which is well below the average densities in the area. This density represents an entirely **inefficient use of the land** as a resource, which would obstruct the continuous achievement of an appropriate supply of housing in the district and compromise the ability of future generations to meet their housing needs. This matter on its own is sufficient to outweigh the benefit that would result from the provision of

just 5 no. dwellings. The proposal would conflict with paragraphs 119 and 125(c) of the NPPF, and policy H4(a) of the Local Plan.

13.3.21 The application supports that the low density will provide a high-quality environment for the residents²⁴. However, as explained above, the proposal would be harmful to the local character and it would be unreasonable to consider that a private gain for future occupants would be a public benefit of the scheme.

13.3.22 Previously developed land:

The first appeal decision²⁵ also established that the current application site is greenfield paddocks and **not** previously developed land²⁶. The case officer's site visits and planning history show that the former agricultural use has ceased. The permission under UTT/16/1278/FUL which allowed the use of stables, menage, barns and field shelter for commercial livery purposes has been effectively superseded²⁷ by permissions to convert all agricultural buildings on the estate into residential dwellings²⁸.

13.3.23 Other material considerations:

It is well-established 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 in addition to the ones referenced above:

- **UTT/19/2470/OP** (Land off Isabel Drive and Land off Stansted Road, Elsenham):
This appeal was for 99 no. dwellings (including affordables) with the site being adjacent to the development envelope in Elsenham on the east side of the M11.
- **UTT/19/1012/FUL** (Eastfield Stables):
This appeal was for a conversion of an agricultural building. The position for policy S7 has been explained in paragraph 13.3.8 of this report.

²⁴ Design and Access Statement, p.9.

²⁵ APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraphs 11, 20.

²⁶ 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.

²⁷ An appeal decision for agricultural buildings in Eastfield Stables confirmed that "*there is no evidence that the livery business is still operating*" (APP/C1570/W/22/3303304 – UTT/22/1170/FUL, paragraph 3).

²⁸ Including UTT/18/0517/FUL (revised by UTT/20/0780/FUL) for plots 2 and 2A, UTT/19/0312/FUL for plots 3 and 4, UTT/19/1012/FUL for plot 5, and UTT/19/1728/FUL for a stable conversion to the west of plot 1 (superseded by UTT/20/3225/FUL for a replacement dwelling in plot 1). Even the 2nd agricultural building from UTT/1282/93/FUL was converted into 2 no. residential units (plots 7 and 8).

- **UTT/22/1694/PIP** (Land to the west of The Cottage, Snakes Lane, Ugley Green):
This appeal scheme was not located between Stansted and Elsenham and was found to have limited impact on the countryside character of the area, unlike the application site for which two appeal decisions have considered otherwise.

13.3.24 Other details:

The Crime Prevention officer raised **no objections** but noted concerns with the layout, requiring the details of the proposed lighting, boundary treatments and physical security measures. However, a Lighting Strategy has been submitted with the application, proposing only external lighting features affixed to the proposed dwellings. In any case, if the scheme were acceptable, this matter could be conditioned.

13.3.25 The Conservation officer raised **no objections** on heritage impacts grounds as the only heritage asset²⁹ in the area is sufficiently away from the application site; the proposal will not lead to 'less than substantial harm' to this heritage asset. However, Conservation raised concerns around the proposed materials (including UPVC) and requested more details around the proposed solar panels, as mentioned in the Typical Dwelling Details drawing. These matters could be conditioned if the scheme were acceptable. Conservation concluded that *"a typical design that is repeated around the site is not appropriate. To be considered acceptable the proposals require a bespoke, well detailed design in response to setting and plot orientation, including a materials palette that is reflective of the local character"*.

13.3.26 Conclusion:

The principle of the development is **not** acceptable (see planning balance in Section K). Other material planning considerations and technical issues (e.g. flood risk) should be examined once the Planning Inspectorate receives the relevant consultation responses.

13.4 **B) Climate change**

13.4.1 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. The application recognises this obligation³⁰ and also proposes air source heat pumps³¹. For example, water efficiency would need to comply with the 110 litres per person per day per unit 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

²⁹ Down Farmhouse (Grade II listed).

³⁰ Design and Access Statement, p.10.

³¹ Utilities Statement, paragraph 3.

benefits for the scheme, they would not be adequate to eliminate or mitigate the countryside harm identified above.

13.5 C) Residential amenity

13.5.1 In terms of the residential amenity of the occupants, the proposed units would be single storey with the same occupancies of 4B8P³² (including the office/workspace that covers 23.4 sqm) and gross internal areas (GIA). The minimum threshold set out in the Nationally Described Space Standard (NDSS) would be 117 sqm; however, the proposed GIA for each unit would be 236 sqm. Therefore, each proposed dwelling would exceed the NDSS by 119 sqm, which is above the minimum threshold for the creation of a 4-bed bungalow. This is further evidence of the unacceptably large scale of the proposed dwellings and the inefficient use of the land, as elaborated above.

13.5.2 In terms of amenity (garden) space, all the proposed plots have garden areas that exceed 1,000 sqm, which is well above the 100 sqm threshold for each plot set out by the Essex Design Guide. This again is further evidence of the inefficient use of the land.

13.5.3 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, the Environmental Health officer raised **no objections** subject to conditions to safeguard residential amenities, including noise assessment and mitigation measures given the site's proximity to the M11.

13.5.4 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the proposal would safeguard the residential amenity of the existing and prospective occupiers in terms of potential material overshadowing, overlooking and overbearing effects.

13.5.5 Overall, the proposal would not materially harm residential amenities of existing and future occupants and would comply with Policies GEN2 and H4(b)-(d) of the Local Plan, the Essex Design Guide, and the NPPF (insofar as they relate to this section).

13.6 D) Access and parking

13.6.1 Policy GEN1 of the Local Plan states that development will only be permitted if it meets all of the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

³² 4B8P = 4 Bedrooms 8 Persons.

- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.

13.6.2 The application proposes access from Elsenham Road and visibility splays informed by a speed survey that calculated the 85th percentile speeds. This approach has been acceptable in the past for other application on the wider site of Eastfield Stables; however, confirmation from the Highway Authority would be required to ensure the proposed development would not compromise highway safety, in accordance 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.

13.6.3 Due to the nature of the Section 62A application process, comments from this consultee have not been received at the time of this report but will be reported to the Planning Inspectorate within the response period, and as such, the LPA are unable to further comment at this stage.

13.6.4 The required parking spaces as per the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009) would be 3 no. parking spaces of appropriate dimensions. The plots include ample space for parking and appropriate garages to accommodate this level of parking provision.

13.7 E) Ecology

13.7.1 The impact of the proposed development on protected and priority species and habitats within or in the vicinity of the application site should be examined by the Ecology officer to avoid harm to the above and to secure biodiversity mitigation and enhancement measures, in accordance with paragraphs 43, 174(d) and 180 of the NPPF, and Policies GEN7 and ENV8 of the Local Plan.

13.7.2 Due to the nature of the Section 62A application process, comments from this consultee have not been received at the time of this report but will be reported to the Planning Inspectorate within the response period, and as such, the LPA are unable to further comment at this stage.

13.8 F) Contamination

13.8.1 Environmental Health 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.

13.9 G) Archaeology

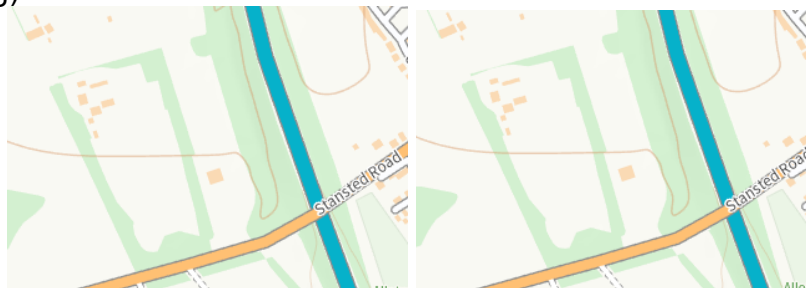
13.9.1 The Archaeology Officer was consulted on the previously refused scheme (UTT/20/1643/FUL) for a scheme of 11 no. dwellings and raised **no**

objections subject to a programme of trial trenching followed by open area excavation. Archaeology recommended the same conditions in the consultation response sent directly to the Planning Inspectorate (dated 25 October 2023). There is no material change in circumstances that would alter the necessity of these conditions, however, the scheme is recommended for refusal. The development would need to comply with paragraph 192(b) of the NPPF, and policy ENV4 of the Local Plan.

13.10 H) Flood risk and drainage

13.10.1 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).

13.10.2 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. The first criterion applies on this occasion. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding).



13.10.3 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.

13.10.4 The application is supported by an FRA and drainage strategy, which conclude that *“there would be no flood risk affecting property or the*

welfare of residents and the public arising from the development' with no additional flood risk on and off site from pluvial, coastal or fluvial flooding sources³³. The drainage strategy would include borehole soakaways to drain the site combined with attenuation tanks in order to allow for a 1 in 100 year storm plus 40% climate change allowance and plus another 10% allowance for urban creep³⁴. The proposed foul sewer system would drain under gravity to 5 no. package treatment plants and the treated effluent would drain to the borehole soakaways³⁵.

13.10.5 The Environment Agency raised **no objections**; however, the Essex County Council (as the Lead Local Flood Authority, LLFA) provided written advice directly to the Planning Inspectorate, raising a **holding objection** as:

- More information is required regarding the discharge from the sewage discharge plants and it should be evidenced what the discharge rates are expected to be and evidenced that there is sufficient capacity for all events in the system and the soak away tanks. The application must also provide a pipe and manhole schedule demonstrating the flows.
- Infiltration testing results are required with rates.

Therefore, the development would fail to comply with 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.

13.11 I) Housing mix and affordable housing

13.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings (being relevant on this occasion), requiring a significant proportion of market housing comprising small properties. 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 Local Housing Needs Assessment (LHNA) Update (October 2023) prepared for the Draft Uttlesford Local Plan 2021 – 2041 (Regulation 18) recommends the following housing mix:

	1-bedroom	2-bedrooms	3-bedrooms	4+- bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	45%	25%	10%
Affordable housing (rented)	35%	35%	25%	5%

13.11.2 The LHNA shows there is a particular need for 2-bed accommodation and for rented affordable housing to provide a range of different sizes of

³³ Design and Access Statement, Appendix XIV (Flood Risk Assessment), paragraphs 7.12-7.13.

³⁴ Design and Access Statement, Appendix XIV (Flood Risk Assessment), paragraphs 7.5.

³⁵ Design and Access Statement, Appendix XIV (Flood Risk Assessment), paragraphs 7.8.

homes, including 30% of 3+ bedroom properties. However, this evidence has not yet been formally accepted by the LPA and holds limited weight. The Housing officer has not clarified whether the proposed housing mix would be acceptable in compliance with policy H10 of the Local Plan.

- 13.11.3** The 40% affordable housing contribution is triggered as the site exceeds 0.5 hectare and the scheme comprises a 'major development'³⁶. The application would provide an off-site financial contribution in lieu of the 2 no. affordable units (40% of the total number of units) that would be required. The application has been accompanied by a draft Heads of Terms. The Housing Officer supports this approach subject to a financial viability assessment. Notwithstanding this and the draft Heads of Terms, no legal agreement that would provide an appropriate mechanism to secure the necessary contribution has been submitted with the application. In the absence of such mechanism, the development would fail to comply with policy H9 of the Local Plan. The legal agreement would also need to cover the LPA's reasonable legal costs and monitoring fee.

13.12 J) Planning obligations

- 13.12.1** 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.

- 13.12.2** 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:

- Payment of off-site financial contribution in lieu of 2 no. affordable units.
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

- 13.12.3** 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. Such a legal agreement would also ensure compliance with policy H9 of the Local Plan, as shown in Section I above.

³⁶ '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 1,000 sqm 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.

13.13 K) Planning balance

13.13.1 The following public benefits of the scheme are discussed in the next paragraphs:

- Provision of 5 no. units to the 5YHLS – limited weight.
- Ecological and biodiversity enhancements and net gains – limited weight.
- Sustainable energy and construction measures – limited weight.
- Economic benefits – limited weight.

13.13.2 The net contribution of 5 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. The existing housing surplus would further limit the extent of this benefit.

13.13.3 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. The proposal would offer ecological and biodiversity enhancements and net gains, as well as sustainable energy measures (e.g. air source heat pumps); however, these matters would only attract limited weight.

13.13.4 On the other hand, the adverse impacts of the proposed development would include:

- Harm to the open countryside character of the area – significant weight.
- Area void of services and facilities (sustainability concerns) – moderate 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 financial contribution in lieu of affordable housing – significant weight.

13.13.5 The 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, this harm would be afforded significant weight. In addition, the area is not easily accessible to sustainable public transport or everyday services and facilities, raising sustainability concerns due to the heavy car reliance of the future occupants of the proposed bungalows; given the number of trips that would be generated by 5 no. new dwellings, this matter would be afforded moderate weight.

13.13.6 The proposed housing density has been found in Section A to represent an inefficient use of the land, which would obstruct the continuous achievement of an appropriate supply of housing in the district and

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 5 no. units. As the NPPF in paragraph 125(c) 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.

13.13.7 In the absence of information 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.

13.13.8 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:

- Payment of financial contribution in lieu of affordable housing.
- Payment of the LPA's reasonable legal costs.
- Payment of monitoring fee.

13.13.9 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.

13.14 L) Other matters

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

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

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

13.14.4 The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case this period has been extended to the 24th November 2023. This should include a recommendation, with reasons, for whether planning permission should

be granted or refused, and a list of conditions if planning permission is granted.

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

14. CONCLUSION

- 14.1** The planning balance found that the adverse impacts of the proposed scheme would significantly and demonstrably outweigh the benefits.

- 14.2** 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. Notwithstanding that some consultation responses have not been received yet, the analysis in Section A of this report would be enough to refuse the proposed development.

- 14.3** It is therefore recommended that the application be refused on the grounds specified in section 15 of this report.

15. REASONS FOR REFUSAL

- 1** 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 scale and appearance, would harm the rural character of the site and area to the detriment of the intrinsic tranquillity and sense of openness of the countryside. The area is void of services and facilities and sustainable transport options within easy reach, raising sustainability concerns. The adverse impacts of the development would significantly and demonstrably outweigh its minimal benefits. Therefore, the proposal would fail to comply with policies S7, GEN1(e) and GEN2 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).

- 2** Notwithstanding the reason 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 compromise the ability of future generations to meet their housing needs. Therefore, the proposal would be contrary to paragraphs 119 and 125(c) of the National Planning Policy Framework (2023).

3 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).

4 The application does not include a mechanism such as a section 106 legal agreement to secure:

- i. Payment of financial contribution in lieu of affordable housing
- ii. Payment of the Council's reasonable legal costs
- iii. Payment of 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).

Committee: Planning Committee

Date: 22.11.23

Title: Land East of Thaxted Road Saffron Walden
(UTT/19/2838/DOV)

Report Author: Maria Shoesmith, Strategic Team Leader

Summary

1. Planning permission was granted for outline consent (UTT/18/0824/OP) development of up to 150 dwellings (Use Class C3) with all matters reserved except access at the above site. Reserved matters were later approved at appeal under reference UTT/19/2355/DFO. As part of the outline planning permission a Section 106 Obligation was secured which included the following:
 - (i) Submission of Residential travel plan
 - (ii) Payment of monies relating to travel plan monitoring
 - (iii) Highway Works (as specified in paragraph 11.160 of the main report)
 - (iv) Education Contribution
 - (v) NHS contribution
 - (iv) 40% Affordable Housing & 5% to be wheelchair accessible
 - (vi) Provision of Open Space
 - (vii) Contribution towards the maintenance of open space for 5 years if the land is to be maintained by Town Council
 - (viii) Contribution towards the provision of community facilities in Saffron Walden

2. A Deed of Variation has been submitted seeking the following amendments;
 - a) **Affordable Housing** change in mix;
 - b) Bus Service Contribution clause amendment to allow the contribution to be spent on Bus Service Enhancement **and/or the improvement of existing bus services on Thaxted Road**
 - c) **Community Facilities Contribution** clause to be added, to provide a trigger and allow flexibility as to where SWTC spend the contribution in Saffron Walden
 - d) **Mortgagee in Possession**
 - e) **Contribution for Recreation** clause to be added and to provide a trigger

3. **Recommendations**
 - 3.1 Approve Deed of Variation and amendments proposed.

4. **Financial Implications**

4.1 No direct financial implications upon UDC. The proposed amendments would improve the current position regarding providing contributions to both ECC and Saffron Walden Town Council allowing them to spend those contributions appropriately.

5. Background Papers

5.1 The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

6. Impact

Communication/ Consultation	There have been discussions with the relevant bodies. This includes Housing, Highways, and Saffron Walden Town Council.
Community Safety	N/A
Equalities	<p>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.</p> <p>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.</p> <p>Due consideration has been made to The Equality Act 2010 during the assessment</p>

	of the planning application, no conflicts are raised.
Health and Safety	N/A
Human Rights/Legal Implications	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.
Sustainability	Allows better use of contributions by Essex Highways and Saffron Walden Town Council, in turn making the Town more accessible.
Ward-specific impacts	Allows better use of contributions by Essex Highways and Saffron Walden Town Council, in turn making the Town more accessible.
Workforce/Work place	N/A

7. Situation

A Deed of Variation has been submitted seeking the following amendments;

7.1 Affordable Housing

Original approved mix:

	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rented	3	17	16	3	39
Shared Ownership	0	11	7	1	19
<i>Sub Total</i>	3	28	23	4	58
Affordable Rented (bungalows)	0	1			1
Shared Ownership (bungalows)	0	1			1
<i>Sub Total</i>	0	2	0	0	2
Grand Total	3	30	23	4	60

Proposed amendments to mix:

Type	Affordable Rent	Shared Ownership
1 bedroom apartment	4	0
2 bedroom house	22	8
2 bedroom bungalow	4	0
3 bedroom house	11	9
4 bedroom house	1	1
Totals	42	18

There is no objection from the Housing Officer on the mix of units.

7.2 Bus Ready

7.2.1 The S106 seeks *"To make the Land Bus Ready before first Occupation of the fiftieth (50th) Housing Unit and ensure that it remains Bus Ready until the Spine Road is completed to the Spine Road Connection point"*

'Bus Ready' is defined at 1.16 as; *"the Land is able to accommodate the Bus Service entering and leaving the Land from Thaxted Road and leaving in forward gear to the reasonable satisfaction of ECC."*

7.2.2 An amendment to this clause was sought due to the progression of the development on the applictaion site and the delay in the northern middle site coming forward by Redrow. It was initially sought that the clause is deleted as the site becoming bus ready depended on when

the spine road is fully completed on all three development sites in this area (this includes the subject site, also the Linden Homes (Vistry) and Redrow sites to the north) to be able to get a bus service through all of the sites. It was also sought that the bus service enhancement contribution of £420, 000 is used in the meantime to improve the services on Thaxted Road until such time that the land to the north has come forward and the two sites are connected and the bus service can operate across the two sites.

7.2.3 The Town Council had initially objected on deletion of the 'Bus Ready' clause and wanted a service to go through the site regardless of the neighbouring site coming forward and had discussed the provision of a 'hoppa' bus. However, through further consideration of this and discussions with ECC Highways this was not possible as the turning table provision for this would scupper the developing out of the site when the Redrow site is delayed and was nowhere to be seen at the time. Talks with ECC Highways had highlighted the following;

7.2.4 *"ECC is looking at recasting the bus network in Saffron Walden (and Dunmow) to make them more attractive and to more suitably serve the needs of these two towns and indeed their hinterlands. This will mean we will need to pool existing ECC bus contract funding with the various S106 monies that are available and/or on the way in order to achieve a holistic outcome that is significantly better than the individual parts. Provision of a hoppa service in the short term however would take monies away from the collective pot that we are seeking to build up to spend more appropriately – thus putting the holistic plan further away from realisation and would therefore we believe be counter-productive holistically.*

7.2.5 *As it would not be appropriate to provide a turning facility larger than that needed for a hoppa bus service, ECC would prefer in the short term, to look to pick up passengers on Thaxted Road, where enhanced bus stop facilities should be provided. One of the key reasons is that we will need the service to the site to play its part in earning revenue and serving the needs of other passengers beyond the immediate site boundaries, if we are to have a serious chance of making the service commercially viable in due course. Put simply a 16 seater purely running between the development and the Town Centre/Audley End Station for example would be unlikely to have sufficient revenue earning potential to lead it towards commercial viability – and would hold little attraction for existing residents of the town – save for the section between the Town Centre and the station, which is already provided and that the desired enhancement can be better served in other ways.*

7.2.6 *We are considering whether the regular service from Dunmow would better serve the needs of both towns if it were (at least in peak times) also to be extended up to the Chesterford Research Park, in order to provide new linkages to this key employment area and at the same*

time begin to address Saffron Walden Town Council's aspirations to serve Little Walden better. We recognise that Saffron Walden Town Council are seeking improvements to the way in which services between the town centre and Audley End Station operate. We believe we have a way of achieving this."

7.2.7 Further comments from ECC Transport states *"In essence, the more cards we have in our hand, the more able we are to provide a future network that more appropriately suits the town's needs and aspirations.*

7.2.8 *Most of the services in Saffron Walden are operated under contract to ECC and as such we are able to adapt these at appropriate times within the route tendering process as well as potentially introducing new services. In order to provide additional / better provision, we need additional funding – which is most likely to come from s106 contributions.*

7.2.9 *I see the way forward as us seeking to pool existing bus budgets with the new s106 monies to support a recasting of the local network. Given the potential level of monies available, we need to take a more holistic view of the town and interurban network and determine what can be achieved.*

7.2.10 *It will of course be beneficial for all, if Saffron Walden Town Council and Uttlesford District, feel able to support and facilitate this aspiration. We have seen from the recent SW Neighbourhood Plan a number of ways in which the town council feel that the bus network could be improved – we can seek to do a number of these things, as and when additional funding (s106) becomes available.*

7.2.11 *So, in summary, we need UDC/SWTC 'buy in' to the plan. We then need concerted effort by UDC to secure additional funding through s106 agreements. When we know what monies are available (and broadly when they will materialise), we can seek to develop a revised wider network. We can proceed on an ad-hoc basis, using what we already have / know about, but a more holistic approach would overall have a better opportunity of addressing local transport needs and improve accessibility – which I think is what we all would like to achieve."*

7.2.12 Whilst ECC are happy for the diversion of the bus money but still want provision of bus stops, raised and dropped kerbs at suitable locations along their bit of the spine road.

7.2.13 Since the submission of the request for a Deed of Variation in November 2019 the Middle site (Redrow) to the north of the Bellway site has come forward with the reserved matters being approved and commitment has been secured for the development and provision of

the link road connections between the two sites. Redrow are now in the process of discharging planning conditions following delays. As a result, this Deed of Variation now seeks to retain the Bus Ready clause and request that the Bus Service

7.2.14 Contribution clauses is amended from; *“Bus Service Contribution shall mean the sum of £420,000 (four hundred and twenty thousand pounds) index Linked from the date if the Permission to the date of payment to be applied to the Bus Enhancement and no other purpose.”*

7.2.15 To now read; “Bus Service Contribution” shall mean the sum of £420,000 (four hundred and twenty thousand pounds) Index Linked from the date of the Permission to the date of payment to be applied to the Bus Service Enhancement **and/or the improvement of existing bus services on Thaxted Road.**”

7.2.16 For clarity the Bus Enhancement definition is the provision of a bus service into the Development to provide an hourly off peak service (being Monday – Friday 09.00 to 1600 and Saturday 10.00-12.00 or such other times agreed between ECC and the Owners or) and an enhanced half hourly service in peak periods (being Monday – Friday 07.00-09.00 and 16.00-18.00 or such other times agreed between ECC and the Owners) from and to the Development and the town centre of Saffron Walden and Audley End Railway Station for a period of up to five (5) years (in either case, "the Bus Service")

7.2.17 Based on the advice and discussions with the Town Council and Highways this is considered to be acceptable.

7.3 Community Facilities Contribution

7.3.1 The Saffron Walden Community Facilities Contribution is currently defined as *“the sum of £122,330 one hundred and twenty two thousand three hundred and thirty pounds, Index Linked from the date of the Permission to the date of payment to be applied towards the provision of a community centre by Saffron Walden town council on land west of Little Walden Road, Saffron Walden”*. It is proposed that the clause is amended to delete the reference to “land west of Little Walden Road, Saffron Walden” to broaden the clause to allow the Town Council to spend the money anywhere in Saffron Walden. Also, forming part of this clause a contribution towards the provision of sports and recreation facilities for £61,307.

7.3.2 The existing clause also does not have a trigger for these monies to be paid and it is proposed that this is amended to provide a requirement and trigger for payment *“50% is paid on the occupation of the 50th dwelling and 50% is paid on occupation of the 100th dwelling.”*

7.3.3 The Town Council welcome the amendments to this clause. However,

they had initially wanted all of the contribution on implementation. Regardless of this the development has significantly progressed and has already reached one of the trigger points. This has been discussed directly with the Town Council of which they have not raised any concerns.

7.4 Mortgagee in Possession

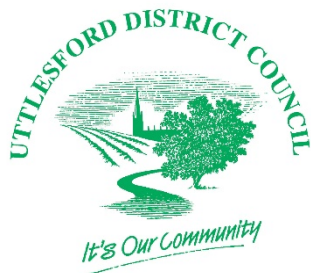
7.4.1 The Registered Provider that is seeking to acquire and provide the affordable housing units on site is seeking changes to the Mortgagee in Possession clauses. These changes are standard and have been done on other affordable housing clauses on different sites.

8. Risk Analysis

8.1 None to minimal

Risk	Likelihood	Impact	Mitigating actions
2	1	1	2

- 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.



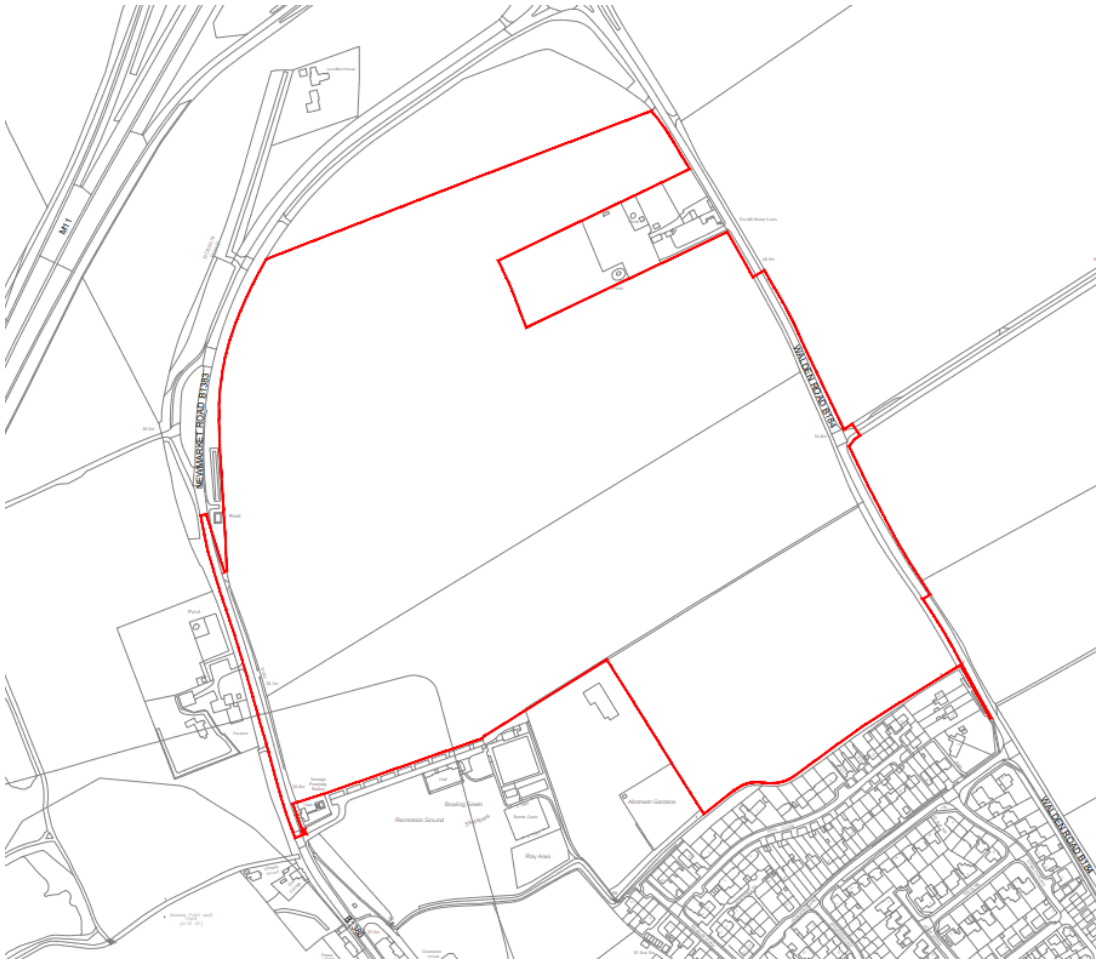
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 22 November 2023

REFERENCE NUMBER: UTT/22/2997/OP

LOCATION: Land Between Walden Road And Newmarket Road, Great Chesterford,

SITE LOCATION PLAN:



**© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: November 2023**

PROPOSAL: Outline planning application (with all matters reserved except for means of access from Walden Road and Newmarket Road) for residential development of up to 350 dwellings, including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of shop and café floorspace (Use Class E/F), sustainable urban drainage system and associated infrastructure.

APPLICANT: Catesby Promotions Ltd

AGENT: Roebuck Land And Planning Ltd

EXPIRY DATE: 23 February 2023

EOT Expiry Date: 17 December 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Part Archaeological Site, Part Ancient Monuments, Part Flood Zone 2 & 3, Public Rights of Way (PRoW), Part Special Verge (Walden Rd)

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** Outline planning permission is sought by the Applicant (Catesby Promotions Ltd) for a residential development of up to 350 dwellings, including a Heritage Park, other public open space, up to 50sqm of shop and café floorspace and associated infrastructure on the site known as 'Land Between Walden Road and Newmarket Road, Great Chesterford, Essex'.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Uttlesford District Local Plan and Policy GLCNP/1 of the Great & Little Chesterford Neighbourhood Plan.
- 1.3** Although the Council can demonstrate a 5-year housing land supply (5.14 years), the proposals cannot be tested against a fully up-to-date

Development Plan. Thereby paragraph 11 of the NPPF is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.

- 1.4** The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in maintaining the Council’s housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, opportunities to understand the significance of the heritage assets through a new Heritage Park and open space provision, and new and improved sustainable transport measures. Thus, taken together, weight to the benefits of the development have been considered. Full details of the benefits of the proposals are provided within Section 16 of this report.
- 1.5** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have significant negative environmental effects. Furthermore, the proposals would inevitably result in significant harm to the setting and experience of the designated heritage assets of the schedule monuments.
- 1.6** Overall, it is considered that the harm to the openness and character of the countryside, and upon the heritage assets from the proposal significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole.

2. RECOMMENDATION

REFUSE for the reasons set out in section 17.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site as outlined in red on the supporting site plan dwg ref: 21/04/1 REV C is located to the north of the village of Great Chesterford and is bound by Walden Road (B184) to the east and Newmarket Road (B1383) to the west.
- 3.2** The site is currently split into 3 distinctive fields of varying sizes, all free of any established built form and in arable production. It is irregular in shape as it wraps around the residential curtilage of the dwelling house known as ‘The Mill’ to the northeast corner with the eastern and western boundaries following the curvature of the highway boundaries. Its topography consists of undulating slopes falling across the site from the north to the south and is approximately 31.16 hectares in size.
- 3.3** Apart from mature vegetation in the form of modest size trees and hedgerows located along a large proportion of the boundaries and

between the fields, the site is free of any established vegetation. No vegetation is covered by tree preservation orders.

- 3.4** The site is currently accessed off the Walden Road via a 10m wide agricultural gateway located approximately opposite the junction with Park Road. Access to the site is gained across a wide verge. Public Footpath 17-12 runs east-west through the southern part of the site and along part of the eastern edge connecting into Meadow Road and the Community Centre and recreation ground linking to Walden Road and Park Road to the east via Park Lane.
- 3.5** Chesterford Community Centre, a recreation ground, allotments, a partially built day nursery building, and relatively modern post war development containing residential housing that front onto Hyll Close lies to the south of the site. There is also an existing watercourse to the southern edge along the boundary with Hyll Close. Large fields used for agriculture are located to the east and the M11 is located beyond the site to the northwest. Directly to the west of the site are a number of residential homes sporadically sprawled along Walden Road.
- 3.6** Two Ancient Schedule Monuments lie either within or in close proximity of the application site. The first of these known as 'The 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' partly falls within the southwestern corner of the site and extends to the opposite side of Newmarket Road to the west around the property known as 'Fairacre'. This is a large and complex multi-period scheduled monument, in three parts over 20ha in total size on the northern edge of Great Chesterford. The second Scheduled Monument lies approximately 1km to the east (Romano-Celtic Temple).
- 3.7** There are no local wildlife or nature conservation designations within, or in proximity to the site. The site is not located within, or adjacent to any conservation areas. There are no listed buildings on or adjacent to the site. The nearest listed building is along Carmen Street to the south of the recreation ground off Newmarket Road. The residential property known as 'The Mills' is a non-designated heritage asset and lies to the northeast of the site.
- 3.8** According to the Environmental Agency's Flood Map for Planning, most of the site is in Flood Zone 1 which is identified as having a low risk of flooding. The southern boundary of the site is within Flood Zones 2 and 3 along the watercourse to the rear of Hyll Close.

4. PROPOSAL

- 4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The Applicant is seeking approval in principle to develop the site for up to 350 dwellings including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of a shop and

café floorspace (Use Class E/F), sustainable urban drainage systems and associated infrastructure and for the details of Access to be granted consent.

- 4.2 This will leave the approval of the scale, layout, appearance, and landscaping to be decided later when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.3 Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.4 The Framework Masterplan as provided in Figure 1 below illustrates and informs the design approach at this outline application stage, particularly in relation to the location of the developable area and open spaces.

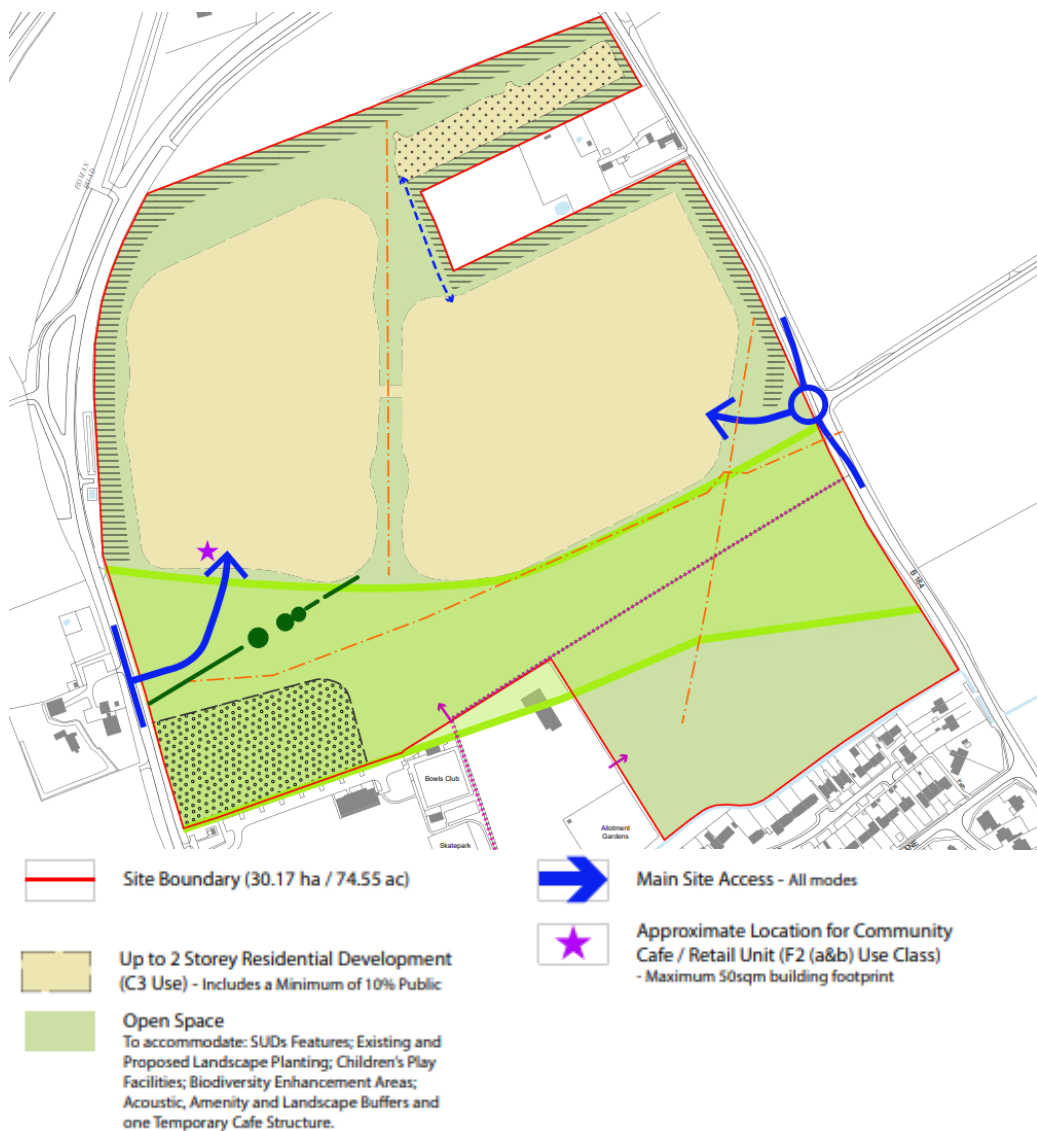


Figure 1: Proposed Framework Masterplan

4.5 Residential:

4.6 The Applicant confirms that there will be a mixed density and character areas throughout the site. The net area of the proposed development amounts to 11.38 hectares (12.64 hectares -10% public realm areas) which creates an average density of approximately 31 dwellings per hectare.

4.7 The development will provide a mix of dwellings in both size, type, and tenure.

4.8 It is envisaged that a range of house types and tenures would be provided across the site. 40% of the total housing provision would be affordable housing (i.e., up to 140 homes) of which 25% would be First Homes (up to 35 units); 5% Shared Ownership housing (up to 7 units) and 70% affordable rented products (up to 98 units) to meet the latest Council and Government requirements.

4.9 5% of the dwellings will be delivered as bungalows built to Building Regulations Part M 4(3) wheelchair adaptable standards.

4.10 It is also envisaged that around 5% of the market dwellings (approximately 10 - 11 plots) will be provided as self-build units.

4.11 The Indicative accommodation schedule is set out in below table:

House Type	Market	Affordable Rent, Shared Ownership & First Homes	Total
1 & 2 Bedroom Flats	4	42	46 (13.1%)
1 bedroom bungalow	5	2	7 (2%)
2-bedroom bungalow	6	3	9 (2.6%)
2-bedroom house	9	50	59 (16.9%)
3-bedroom house	93	35	128 (36.6%)
4-bedroom house	68	8	76 (21.7%)
5-bedroom house	25	0	25 (7.1%)

Total	210 (60%)	140 (40%)	350 (100%)

Table 1: Indicative Housing Mix and Tenure.

- 4.12** The final housing mix will provide a mix of sizes and tenures including bungalows and affordable homes to contribute towards identified local housing needs. This will be determined at reserve matter stage if outline consent is granted.
- 4.13** The height of residential development will generally be two storeys, with a some two-and-a-half dwellings. The houses would be a mixture of detached, semi-detached and terrace houses and occasional apartment buildings.
- 4.14** Access:
- 4.15** As illustrated in Figure 1 above, two primary site access are proposed. This will involve a new 4-arm priority roundabout to be formalised off Walden Road which will form the principle access and a new priority junction along Newmarket Road which is proposed to be a secondary access. The two access points into the site form part of the details to be considered as part of this outline application.
- 4.16** The two access points will be connected with a spine road extending in an east-west direction. It is envisioned that the spine road will include bus service provision with bus stops. The final configuration of the internal street network will be the subject of detailed design.
- 4.17** Community Shop:
- 4.18** A community café/shop is proposed within the development. As shown in Figure 1 above, it is envisaged this will be located by the park, close to the main access from Newmarket Road to serve the community.
- 4.19** Public Open Space:
- 4.20** Around 17.53 hectares of the Site (58%) will be provided for the accommodation of multi-functional green infrastructure areas. Full details of the type and specifications of the public open space is provided further within this report.
- 4.21** Proposed Off Site Works:
- 4.22** In addition to the on-site works as highlighted above, the following off site works also form part of the proposals:
- 3m wide footway/ cycleway on eastern side of Newmarket Road, between proposed site access and Carmen Street (DTA drawing 22400-01-1D).

- A new footway of varying width within public highway on Carmen Street, and to the north of the existing wall within Horse Field (DTA drawing 22400-01-1D).
- New 2m wide footway with dropped kerb tactile paving at Walden Road / High Street/Cow Lane junction (DTA drawing 22400-4) to improve safety of pedestrians crossing Walden Road.
- Widening of existing footway, to a 3m wide shared footway/ cycleway from Church Street to Station Approach (DTA drawing 22400-07A).
- New 2m footway along Walden Road (DTA Drawing 22400-08A) between the site access and Jacksons Lane.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The proposals, subject of this application, do not fall within any categories of development within Schedule 1 and thus EIA is not required under these provisions. The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs).

5.2 The proposal is for a relatively large residential-led development. There would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of this application. The application is supported by technical studies proportionate to the proposed development.

6. RELEVANT SITE HISTORY

6.1 Planning History:

6.2 A search of Council's records indicates that there is no relevant recorded planning history for the application site.

6.3 Local Plan Promotion:

6.4 The site was submitted to the recent Call for Sites in 2021 and representations were also made to the 2022 Issues and Options non-statutory consultation. Whilst it is acknowledged that the emerging local plan (Regulation 18 version) carries negligible weight, owing to its early stage of production, the application site has not been taken forward for allocation.

6.5 Surrounding Sites:

6.6 Planning permission UTT/19/0573/OP was granted in June 2020 for 76 homes to the west of London Road, extending south from the village, within Little Chesterford Parish. Reserved Matters Approval was given on 21 February 2022 and construction is underway.

6.7 Outline planning permission UTT/20/2724/OP has recently been granted on 24 August 2022 for 124 homes to the east side of London Road, also within Little Chesterford Parish.

6.8 Details following outline application UTT/20/2724/OP for 111 no. dwellings - details of appearance, landscaping, layout and scale were approved under reference UTT/23/1045/DFO on 15th September 2023.

7. **PREAPPLICATION ADVICE AND COMMUNITY CONSULTATION**

7.1 Pre-application Discussions:

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

7.3 A pre-application request was submitted to UDC on the 14 February 2022 via a Planning Performance Agreement. A series of meetings were held with relevant officers of the Uttlesford District Council, and statutory consultees including Essex County Council Place Services, Historic England, Environmental Agency, National Highways, and Anglian Water culminating in written advice.

7.4 Officers confirmed that the key issues to be addressed included: countryside impact, significance and setting of heritage assets including archaeology, flooding and drainage, transportation and highway safety and biodiversity. Furthermore, design feedback was given to the illustrative proposals and suggestions concerning the preferred housing mix. It was confirmed that Paragraph 11 was fully engaged along with the 'Titled Balance' because of lack of an up-to-date Local Plan and in the absence of the Council at the time being unable to demonstrate a 5-year housing land supply.

7.5 On the 17 June 2022, the Applicant provided a presentation to members of Uttlesford District Council on the proposed development.

7.6 Great Chesterford Parish Council:

7.7 The Applicant met with Great Chesterford Parish Council on the 25 May 2022. Prior to meeting, the Applicant had communicated with the Parish several times in relation to both the site and the emerging Neighbourhood Plan.

7.8 Community Consultation:

7.9 The Applicant held a public exhibition of plans on the 26 July 2022. Full details of the consultation exercise conducted is discussed within the

supporting Statement of Community Involvement. The Applicant submits that they listened to all views expressed throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highways Agency – No Objection

8.1.1 Within the vicinity of the proposed development, the primary junction of interest to National Highways is the M11 Junction 9A.

8.1.2 After our last response, the agent provided additional material to review. National Highway's framework consultant, AECOM has completed their review on our behalf. It is noted that the "Covid factor" has now been applied to M11 Junction 9a western roundabout, which has been calculated and a summary of the modelling results were checked and reviewed.

8.1.3 While the figures suggest that the A1301 east arm, which is located between the two roundabouts linked to the M11, could be exceeding capacity as a result of the development, it is noted that the link between the two roundabouts is approximately 150m long and could therefore accommodate the predicted queue of 13 PCUs (approximately 75m), with minimal risk that it would tail back to, and affect the operation of, the other roundabout at M11 J9a.

8.1.4 National Highways are now content that there will be no significant capacity impacts on the SRN because of this development. Therefore, we are in a position to withdraw our existing holding recommendation and recommend no objection instead.

8.2 Highway Authority – No Objections

8.2.1 The highway authority confirmed that they have visited the site and reviewed all the supporting documentation. They confirmed that they have assessed the proposals in accordance with relevant guidance and considered matters of access and safety, capacity, the opportunities for sustainable transport, and mitigation measures.

8.2.2 The highway authority concluded that from a highway and transportation perspective, the impact of the proposal is acceptable subject to imposing appropriate conditions and obligations if permission is approved.

8.3 Local Flood Authority – No Objection

8.3.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to imposing conditions.

8.4 Environment Agency – No Objection

8.4.1 It was determined that, when reviewing the location plan document and illustrative master plan, all build development would be within flood zone 1 and with no other constraints present we would not provide a formal consultation as this does not fall without our remit.

8.5 Historic England - Object

8.5.1 We consider the rural landscape setting of the monuments makes a major contribution to their significance. We consider the proposed development, that is located within the setting of both monuments, would have a detrimental impact on their setting.

8.5.2 We consider this to be harmful to the significance of these scheduled monuments. Placing this in terms of the National Planning Policy Framework (NPPF), we have concluded this would be a severe level of harm, but less than substantial.

8.5.3 This harm would be a very considerable disbenefit. We have considered the proposed mitigation in the form of the conservation management plan. We do not believe this is a sufficient heritage benefit to offset the harm that we have identified.

8.6 Natural England – No objection.

8.6.1 Based on the information provided with the planning application, it appears that the proposed development comprises approximately 30.17 ha of agricultural land, however no Agricultural Land Surveys have been provided to determine how much of the site is classified as BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

8.6.2 It is acknowledged that Natural England have requested a soil survey to determine what grade the soil is in respect BMV Land. As defined in the Applicant's supporting planning statement, the application site is Grade 2 land. As such, it is not regarded that a soil survey is required as confirmation has already been provided that the site is BMV agricultural land.

8.7 Sport England – Object subject to securing obligations

8.7.1 Outdoor Sports Provision:

8.7.2 In view of the expected number of dwellings proposed generating less than a single pitch for every sport, securing a financial contribution towards off-site facilities would be considered appropriate as an alternative to on-site provision on this occasion although opportunities to extend the adjoining Great Chesterford Recreation Ground should be explored if feasible.

8.7.3 In summary for natural turf pitches, this development would generate demand for the equivalent of 0.18 adult football pitches, 0.31 youth football pitches (including 9v9), 0.29 mini soccer pitches, 0.07 rugby union pitches and 0.25 cricket pitches. In relation to artificial grass pitches, the calculator estimates the development generates a demand for 0.03 hockey pitches and 0.04 3G football pitches. The total cost of providing these pitches is currently estimated to be £201,429. In terms of changing room provision to support the use of this pitch demand, the calculator estimates that the total demand generated will be equivalent to 1.48 changing rooms which would currently cost £262,776.

8.7.4 Indoor Sports Provision:

The Sports Facilities Calculator SFC indicates that a population of 865 in this local authority area will generate a demand for 0.06 sports halls (£157,558), 0.04 swimming pools (£174,846), and 0.01 rinks in an indoor bowls centre (£5,574).

8.7.5 Conclusion on Sports Facility Provision:

8.7.6 As there are no confirmed proposals at this stage for meeting the development's outdoor or indoor sports facility needs, an objection is made to the planning application in its current form. However, I would be willing to withdraw this objection in due course if it is confirmed that appropriate financial contributions, secured through a planning obligation as set out above, will be made towards the provision of these facilities and the expected level of the contributions is confirmed together with the projects that the contributions will be used towards.

8.7.7 Active Design:

8.7.8 The development proposals offer opportunities for incorporating the active design principles and some of the proposals are welcomed and considered to be consistent with the principles. In particular, the indicative proposals to provide the Heritage Park and the other open spaces, the off-site footway and cycleway improvements proposed and the circular footpath around the periphery of the development.

8.7.9 If the application is approved, to help ensure that designing to encourage physical activity is given appropriate consideration in practice when reserved matters applications are prepared, Sport England would request a planning condition to be imposed requiring details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development.

8.8 **East of England Ambulance Service (NHS Trust) – No Objection**

8.8.1 The Health Service (NHS) confirmed that they identified that the development would give rise to a need for additional emergency and non-emergency healthcare provision to mitigate impacts arising from this development and other proposed developments in the local area. It is confirmed that the Capital Cost calculation of additional health services arising from the development would amount to £135,226.00.

8.8.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.

8.9 National Health Service – No Objection

8.9.1 The Hertfordshire and West Essex Integrated Care Board (HWE ICB) confirmed in their formal response that based on 350 dwellings, this would amount to an increase population of 840 residents.

8.9.2 This development will have an impact on primary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS. To offset and to provide appropriate mitigation HWE ICB confirmed that a financial obligation in the sum of £452,200.00 is required and should be secured within the S106a if permission is approved.

8.9.3 Subject to certainty that developer contributions are secured, the HWE ICB does not raise an objection to the proposed development.

9. PARISH COUNCIL COMMENTS

9.1 Great Chesterford Parish Council - Objects

9.1.1 Whilst it is recognised that there is a presumption in favour of sustainable development within the district, the proposed development is considered to result in significant and demonstrable harm, including to assets of particular importance, which means that permission should not be granted. The proposal is considered to result in harm, or unknown harm, in respect of following matters:

- Unknown Environmental Impact
- Conflict with the Neighbourhood Plan
- Heritage & Landscape Harm
- Loss of BMV Agricultural Land
- Flood Risk
- Lack of BNG Evidence
- Educational Needs

9.2 South Cambridgeshire District Council – No Objections

9.2.1 SCDC has no objection to the proposed development, subject to exploring the opportunity to connect the site to the nearby Wellcome Trust site with a dedicated footpath / cycleway.

9.2.2 The Wellcome Trust site has planning permission (ref. S/4329/18/OL) for up to 150 000 sqm of office use and up to 1500 dwellings together with other supporting community uses and will provide a location for jobs, leisure and other uses for the residents of Great Chesterford.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objections

10.1.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 350units. This amounts to 140 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

10.1.2 The mix for the affordable housing provision can be agreed at a later date if the outline application is approved.

10.1.3 It is the Councils' policy to require 5% of the whole scheme to be delivered as wheelchair accessible (building regulations, Part M, Category 3 homes) with the remaining properties meeting M4(2) standard.

10.2 UDC Environmental Health – No Objections

10.2.1 No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to contamination, air quality, noise, external lighting, and construction.

10.3 UDC Landscape Officer/Arborist – Objection

10.3.1 The proposal would affect the existing settlement pattern, forming a significant development to the north of Great Chesterford. The illustrative masterplan shows a large open space provision between the existing village edge and the proposed housing. This provides a level of separation from Great Chesterford village and would reduce the appearance of the development being seen as a linear extension of the village

10.3.2 It is clearly evident that the proposal would have significant impact on the existing rural character of the site. The change in landscape character would be particularly obvious in views taken from the B184 Walden Road to the east and the B1383 Newmarket Road to the west, resulting in a medium magnitude/moderate adverse effect. The visual impact of the development in the context of the broader landscape would be relatively limited. However, there is the issue of the impact of the development on the setting and interpretation of the Scheduled Ancient Monuments and

their historic relationship in the context of the broad landscape. This has been raised in a detailed objection made by Heritage England. To some extent this impact would be mitigated by the broad open space provision between the new housing and the existing northern edge of the village as indicated in the illustrative masterplan. Overall, the development is judged to have less than substantial harm to the Scheduled Monuments.

10.3.3 Some 8 individual trees, and a group of elms, are proposed to be removed, together with some sections of existing hedgerows. None of the trees proposed to be removed are considered to be of an amenity value worthy of being protected by a tree preservation order.

10.4 UDC Urban Designer – No Objection

10.4.1 Council's urban design officer confirmed that they had no objections to the proposals subject to conditions being imposed to secure a LAP and LEAP as part of the proposals and confirmation of the details surrounding the public open space is confirmed by the Applicant in relation to parks and gardens, outdoor sport, amenity green space and play areas.

10.5 UDC Natural Sciences Officer – No Objection

10.5.1 The officer raises no objections subject to imposing conditions securing the protection of the special verge during both construction and operations phases of the development.

10.6 UDC Planning Policy Officer – No Objections

10.6.1 Planning Policy officers confirmed at the time of receiving their consultation response that in the absence of a five-year land supply, the tilted balance will apply as part of applying the presumption in favour of sustainable development. As such, there are no policy objections to the site per se, subject to any constraints, for example to the nearby Schedule Ancient Monuments, being capable of suitable mitigation. It is likely the site will be considered through the emerging Local Plan process, but that information won't be available until the Reg 18 consultation later this year

10.6.2 Update: the LPA can currently demonstrate a 5YHLS. However, there are other ways that a Local Plan or specific policy can be out of date, such as if it no longer performs its intended role, or if certain material considerations (including the NPPF) mean that the policy can no longer be relied upon or given weight. These matters will need to be considered on a case by case basis and the level of weight given to them is a matter for the decision-taker. Compatibility with the NPPF is a key consideration. Inspector's and the court may also have opined on certain policies and this should also be considered.

10.7 Place Services (Conservation and Heritage) - Object

10.7.1 The proposals to fail to preserve the setting of the Great Chesterford Conservation Area, the Scheduled Monuments and the non-designated heritage asset, The Mills. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF, Paragraphs 202 and 203 would be relevant and I suggest the less than substantial harm to the Great Chesterford Conservation Area is low on the spectrum.

10.8 Place Services (Ecology) – No Objections

10.8.1 We support the proposed reasonable biodiversity enhancements including the provision of new wildflower meadows, woodland, and native trees as well as the installation of bird, bat and Hedgehog boxes, invertebrate houses and log piles, which have been recommended to secure net gains for biodiversity.

10.8.2 Several conditions are suggested if any consent is allowed for a Farmland Bird Mitigation Strategy, a Construction Environmental Management Plan (CEMP) and a Wildlife Sensitive Lighting Strategy to be submitted and approved by the LPA prior to any works commencing on the site.

10.9 Place Services (Archaeology) – No Objections

10.9.1 The application will result in a significant change on the existing setting of the Scheduled Monuments, with the urbanisation of the rural agricultural landscape. The proposed visual corridor between the fort/town and the temple is supported along with the provision of the heritage park as this will retain some visual connection between the Fort and Temple sites. However, this visual corridor will be an artificial view relative to the existing open landscape between the monuments.

10.9.2 The proposal will change the environment around the monuments and how they are experienced. The proposal will still result in a level of less than substantial harm with reference to paragraph 202 of the NPPF. The application does contain a Conservation Management Plan, however, this has been restricted to the small part of the Roman fort that is located within the Applicant's ownership. Should this application be permitted I recommend a wider Conservation Management Plan, taking in the scheduled monument outside of the proposal site, is required to be funded by the Applicant to progress a more holistic approach.

10.10 ECC Minerals and Waste - No Objections

10.10.1 Have confirmed that they have reviewed the submission of a Minerals Resource Assessment (MRA), Waste Infrastructure Impact Assessment (WIIA) and a Site Waste Management Plan (SWMP) and concluded that they have no objections.

10.11 ECC Infrastructure (Education) – No Objections

10.11.1 Early Years and Childcare

10.11.2 The demand generated by this development would create the need for 31.5 EY&C places. A developer contribution of £611,888.00 index linked to January 2023, would be sought to mitigate its impact.

10.11.3 Primary Education

10.11.4 Due to the restriction on the current school site, it is not possible to expand Great Chesterford Primary School. Demand created by this development, and any other sites that may come forward in the vicinity, would need to be met through the expansion of school(s) much further away.

10.11.5 The education authority proposes two options as mitigation.

10.11.6 Option A

10.11.7 The demand generated by this development would create the need for 105 primary places. A developer contribution of £2,039,625.00 Index to January 2023 would be sought to mitigate its impact on the primary school education. This equates to £19,425.00 per place.

10.11.8 This option to expand a school (not Great Chesterford Primary School) would require the provision of a bus service from the development to the primary school and a primary school transport contribution would be required. The cost of providing this is £2,322,379.50 Index Linked to 2021, applying a cost per pupil £16.63.

10.11.9 Option B

10.11.10 Another option would be to seek a financial contribution for a new school, noting that a new school is proposed on the Welcome Genome Campus, and could meet demand created by this development.

10.11.11 Secondary Education

10.11.12 According to our forecasts, and information published in the latest Essex Childcare Sufficiency Assessment, there should be sufficient secondary places at a local school serving this development.

10.11.13 School Transport

10.11.14 The demand generated by this development would create the need for 70 Secondary School transport places. A developer contribution of £348,460.00 Index linked to January 2021, would be sought to mitigate its impact on the secondary school transport school provision.

10.11.15 Libraries

10.11.16 The suggested population increase brought about by the proposed development is expected to create additional usage. A developer contribution of £27,230.00 is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit.

10.11.17 In summary, 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 EY&C, Primary School Education, Secondary School Transport and Libraries.

10.12 **Affinity Water – No Objections**

10.12.1 Water quality:

10.12.2 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site, then the appropriate monitoring and remediation methods will need to be undertaken.

10.12.3 For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors"

10.12.4 Water efficiency:

10.12.5 Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting, and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

10.12.6 Infrastructure connections and diversions:

10.12.7 There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed.

10.13 **Anglian Water – No Objections**

10.13.1 Assets Affected:

10.13.2 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

10.13.3 The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

10.13.4 The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created

10.13.5 Used Water Network:

10.13.6 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

10.13.7 Wastewater Treatment:

10.13.8 The foul drainage from this development is in the catchment of Great Chesterford Water Recycling Centre that will have available capacity for these flows.

10.13.9 Surface Water Disposal:

10.13.10 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS). 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 in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

10.14 **Crime Prevention Officer – No Objections**

10.14.1 Whilst there are no apparent concerns with the layout an illustration was noted within the Design and Access Statement which showed a ground floor apartment with French doors opening almost directly into public space. Such apartment design would have a high risk of crime and fear of crime relating to it as especially during summer months when these

doors are left open, and anyone would be able to walk in off the street or families protect their children from entering the street.

10.14.2 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.

10.15 NEOS Network - Comments

10.15.1 Neos Network have provided advice for the Applicant in that they have attached a plan showing the location of Neos Networks apparatus in the proposed work area for their information. They confirmed that of the Applicant is laying their own services, to use the map provided showing NEOS apparatus and follow their safe dig procedures. There is no need to contact NEOS for permission to dig or arrange any supervision. If the Applicant have determined that their works may impact NEOS existing apparatus, then please contact alterations@neosnetworks.com for a Budget Estimate.

10.16 UK Power Networks - Comments

10.16.1 UK Power have provided advice for the Applicant in that they have enclosed a copy of their records which show the electrical lines and/or electrical plant and a copy of a fact sheet which contains important information regarding the use of UK Powers plans and working around their equipment. Should the Applicants excavation affect UK Powers Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), the Applicant should contact UK Power to obtain a copy of the primary route drawings and associated cross sections.

10.17 Cadent Gas – No Objections

10.17.1 Confirmed that they have no objections to the proposals and advised that an informative be placed on the decision if permission is approved advising the Applicant of their legal responsibilities when constructing close to their assets.

10.18 Gigaclear - Comments

10.18.1 Gigaclear has provided advice for the Applicant in that they have provided plan(s) showing the approximate location known to be in the vicinity of the Applicants scheme and that it is strongly advised that the Applicant undertakes hand dug trial holes prior to commencing any of their works. It was advised that the Applicant contact Gigaclear using this

email address diversions@gigaclear.com for requests for diversionary Estimates, or for queries with the data provided.

11. **REPRESENTATIONS**

11.1 The application has been notified to the public by sending letters to adjoining landowners/occupiers, displaying site notices, and placing advertisements in local newspapers. The Council have received representations objecting to the proposals. The main concerns raised within the representations are summarised below:

- **Character:** -
 - The appearance of the local village areas will be lost.
 - The development is out of proportion with the existing village.
 - The development, if permitted, will result in establishment of a satellite dormitory estate disconnected from the existing Village.
- **Countryside:** -
 - It will result in further loss of green area.
 - The proposals would lead to urban sprawl in open countryside.
- **Agricultural land:** -
 - The houses are to be sited on prime agricultural land which is at a premium for a country that cannot feed itself.
- **Drainage:** -
 - The sewage system is already under stress and malodorous at the pumping station adjacent to the proposed development.
 - The local water system can hardly support the population as it stands.
- **Flooding:** -
 - The adjoining recreation area has flooded significantly.
 - The proposals would lead to further flood risk.
- **Education:** -
 - The local primary school and pre-school are already over-subscribed. New dwellings would add to the existing pressures.
- **Health:** -
 - The two GP surgeries already struggle to meet demand. New dwellings would add to the existing pressures.
- **Highway & Transportation:** -
 - The proposals involving up to 350 new dwellings would increase the intensification of the amount of traffic movements within the village and thus resulting in further congestion, particular at peak hours, increase pressure on parking within the village and result in a detrimental impact upon highway safety.

- A cycle path along the Walden Road between the Genome Campus and Great Chesterford would be welcomed.
- Off site works including paths and crossings are not safe.
- Sustainability: -
 - Building more energy efficient houses should be standard practice. It is not a reason to go ahead and build 350 new houses on the side of an existing village.
 - It encourages driving.
 - There are no provisions in the plans for provision of new infrastructure, schools, doctors' surgeries, dentists.
- Neighbourhood Plan: -
 - The site does not form part of the Local Neighbourhood Plan.
 - The Application breaches this Policy requirement in every respect, and is wholly inconsistent with the Neighbourhood Plan
- Affordable Housing: -
 - The houses will still be too expensive for many people to afford. Even a one or two bedroom property is often more than many people in the area can afford.
- Community Shop: -
 - The proposed community shop/café would nowhere near meet the needs of residents.
- Heritage: -
 - The proposals would lead to a significant detrimental impact to local and nationally important archaeology and heritage assets.
- Vegetation: -
 - The proposals would result in the removal of some mature trees that are important to wildlife.
- Cumulative Impact: -
 - This application needs to be viewed in the context of pre-existing development at the Southern end of Great Chesterford consisting of some 150 dwellings and the 1,500 dwellings at the Hinxton Genome development. The existing dwellings there together with the 350 now applied for will result in a total of around 2000 dwellings.
 - Cumulatively this will significantly impact upon the local roads and access to the M11 as people will be seeking employment in the local area and beyond.
 - The village has already taken its fair share of new housing.

11.4 Comment

- 11.4.1** The above concerns have been fully assessed in detail within the main assessment of this report.

12. MATERIAL CONSIDERATIONS

12.1.1 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.

12.1.2 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.

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

12.2 The Development Plan

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

13.1.2 The National Planning Policy Framework (hereafter “the NPPF”) was first published in 2012 and was revised in September 2023. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

13.2 National Planning Policy Guidance

13.2.1 The Planning Practice Guidance (PPG) sits alongside the NPPF and aims to provide more technical support. It is regularly updated to ensure it remains up to date. Any relevant sections are referenced through this report.

13.3 Uttlesford District Plan 2005

13.3.1 Uttlesford Local Plan (2005) – Provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.

13.3.2 Relevant development plan policies and material considerations:

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

ENV1 - Design of Development within Conservation Areas

ENV3 - Open Space and Trees

ENV4 - Ancient monuments and Sites of Archaeological Importance

ENV5 - Protection of Agricultural Land

ENV10 - Noise Sensitive Development

ENV12 - Noise Generators

ENV13 - Exposure to Poor Air Quality

ENV14 - Contaminated Land

LC3 - Community Facilities

RST1 - Access to Retail and Other Services in Rural Areas

13.4 Great & Little Chesterford Neighbourhood Plan

13.4.1 The Great & Little Chesterford Neighbourhood Plan was made in February 2023 and the most relevant policies and material consideration include:

- GLCNP/1 – Overall Spatial Strategy
- GLCNP/2 – Settlement Pattern and Separation
- GLCNP/3 – Getting Around
- GLCNP/4a – Landscape Character
- GLCNP/4b – Views
- GLCNP/5 – Historic Environment
- GLCNP/6 – Valued Community Spaces and Facilities
- GLCNP/7 – Local Green Spaces
- GLCNP/9 – Housing

13.5 Supplementary Planning Document or Guidance

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

13.6 COUNCIL 5-YEAR HOUSING LAND SUPPLY POSITION

13.6.1 At the time of preparing this committee report that as per the latest 'Housing Trajectory and Five-Year Land Supply 1st April 2023 (published 9th October 2023)', the 5YHLS position for the district is **5.14 years** for the 2023/4-2027/8 five-year period.

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Suitability and Location**
 - C) Countryside Impact**
 - D) Character and Design**
 - E) Heritage**
 - F) Archaeological**
 - G) Loss of Agricultural Land**
 - H) Housing Mix and Tenure**
 - I) Neighbouring Amenity**
 - J) Access and Parking**
 - K) Landscaping and Open Space**
 - L) Nature Conservation**
 - M) Contamination**
 - N) Flooding and Drainage**
 - O) Planning Obligations**
 - P) Other Issues**

14.3 A) Principle of Development

- 14.3.1** The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). Work has commenced on a new Local Plan, but at the time of preparing this report, this has not yet been released for Regulation 18 Preferred Options consultation and therefore it carries negligible weight when considering the proposed development. As such the relevant saved policies contained within the Local Plan are the most relevant to the assessment of this application. Those of most relevance should be given due weight according to their degree of consistency with the NPPF under paragraph 219.
- 14.3.2** The Great and Little Chesterford Neighbourhood Plan was made by UDC in February 2023 and as a result full weight when considering the proposed development is given the policies contained within as per paragraphs 12 to 14 of the NPPF.
- 14.3.3** Although the Council can demonstrate a 5YHLS (5.14 years), the proposals cannot be tested against a fully up-to-date Development Plan. Thereby paragraph 11 of the NPPF is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 14.3.4** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.
- 14.3.5** The “Planning Balance” is undertaken further below in this report, but before doing so a wider assessment of the proposal has been undertaken against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.
- 14.3.6** The application site is located outside the development limits of Great Chesterford within open countryside and is therefore located within the Countryside where policy S7 applies.
- 14.3.7** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.

- 14.3.8** It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy. This should be afforded weight in the planning balance.
- 14.3.9** Furthermore, Policy GLCNP/1 'overall spatial strategy' of the Great and Little Chesterford Neighbourhood Plan is to encourage new development to be within development limits of Great Chesterford or to the proposed allocated site at Little Chesterford. It does not restrict new development outside of these areas but refers to that new development in these areas should recognise, preserved, and enhanced the intrinsic rural character of the countryside. This is in general conformity with the NPPF.
- 14.3.10** The application site is outside the Great Chesterford Development Limits. However, this does not on its own deem the proposals to be contrary in principle to Policy GLCNP/1 of the Neighbourhood Plan as an assessment is required as to whether any new development would recognise, preserved, and enhanced the intrinsic rural character of the countryside. This assessment is made further below in this report.
- 14.3.11** It is acknowledged that previously the site was not considered to be suitable for development as part of the previous 'call for sites' process as part of the withdrawn Local Plan. Although the site was deemed to be available for development, the achievability was uncertain due to the southern edge of the site falling within flood zones 2 & 3 as identified by the Environmental Agency and thereby issues surrounding flooding. Furthermore, concerns were raised with regards to the potential significant harm upon nearby heritage assets as the site contains in part and abuts two schedule monuments.
- 14.3.12** Also, at the time of the assessment of the suitability of the site, the site would lie within close proximity to North Uttlesford Garden Community and would lead to reducing the separation of the village and Garden Community. For these reasons, the site was considered unsuitable as development on the site would not contribute to sustainable patterns of development.
- 14.3.13** Initial consultation with the Council's policy team has confirmed that the site had not been fully assessed as part of the most recent 'call for sites' process. However, prior to the submission of this outline application, the Applicant undertook extensive pre-application discussions with the Council, whereby planning policy officers made their initial findings as per below:
- It is a greenfield site.
 - It is adjacent to the development limits and adjoins the settlement boundary. It is outside the green belt.
 - It does not intersect with the countryside protection zone. • It has reasonable proximity to a special verge.
 - The site < 50% intersects with Flood risk zone 2 or 3.

- The site may be affected by noise issues, such as from the major motorway junction
- It is possible that any development could increase movements through the Air Quality Management Area (AQMA) of Saffron Walden.
- The site lies within a Zone 1 groundwater source protection zone.
- It is in close proximity to the Great Chesterford / Little Chesterford B184.
- There is a TPO on site (3/99/05)
- Very close proximity to the Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford, archaeological site.
- The site has a range of accessibility issues for secondary school, six form, hospital, local facilities, by walking, cycling and public transport and access to bus and rail networks.

14.3.14 Having done this assessment now for the purposes of this pre-application submission, the policy team hinted that the suitability and therefore the achievability of this site does look difficult given the high landscape and heritage sensitivity and flood risk concerns on part of the site.

14.3.15 The full assessment and conclusion by the Councils policy team will be forthcoming and published as part of the Regulation 18 local plan which has recently been made public and consulted on.

14.4 B) Suitability and Location

14.4.1 The National Planning Policy Framework (NPPF) provides a framework for the development of locally prepared plans and the government's planning policies and how these are expected to be applied.

14.4.2 Paragraph 7 of the NPPF states that: '*the purpose of the planning system is to contribute to the achievement of sustainable development*'. It identifies that to deliver sustainable development, the planning system must perform three distinct objectives, these being social, economic, and environmental and that these must be taken collectively in decision making and not in isolation.

14.4.3 Furthermore, Planning Practice Guidance (PPG) provides additional advice on various planning issues associated with development, including those linked to sustainability and underpins the policies within the NPPF.

14.4.4 The application site lies outside the settlement development boundary limits of Great Chesterford. It is identified within the Local Plan settlement hierarchy as being "Key Rural Settlement" where it is recognised that these settlements are located on main transport networks as well as there being local employment opportunities.

14.4.5 In most 'Key Rural Settlements' including Great Chesterford, it is the intention to protect and strengthen the role of these communities where there is the potential to encourage people to live and work locally and allow for the potential of further limited employment and residential development.

14.4.6 Although outside the settlement boundaries of the village of Great Chesterford, the new built form would be constructed to the northern edge of the village and adjacent to the Chesterford Community Centre, recreation ground, allotments, a partially built day nursery building, and relatively modern post war development containing residential housing. Therefore, to a limited extent, the proposals could be perceived to provide a logical relationship with the existing village.

14.4.7 Local Amenities and Facilities:

14.4.8 The village of Great Chesterford has a modest number of local services and amenities that are within walking/cycling distance from the application site including but not limited to:

Local Services	Distance From Site
Days Bakery and Food Hall	0.7km
Bitesize Bakehouse	1.1km
The Crown & Thistle Public House	0.9km
The Plough Public House	1.2km
Chesterford Community Centre	0.4km
Great Chesterford Recreational Ground	0.4km
Great Chesterford Surgery	1.0km
School Street Surgery	0.8km
The Chesterford Pre School	0.4km
Great Chesterford Primary School	0.8km

Table 2: Amenities and their distance to application site.

14.4.9 The recreation ground accommodates a Scout Hut, cricket oval, a bowls green and associated clubhouse; multi-sports court; a skate park, outdoor gym equipment area and children's playground.

14.4.10 In addition to local facilities, there is also a mix of employment opportunities in the village and locally at the 'Chesterford Research Park' and across the Cambridgeshire border to the north at the 'Wellcome Trust Campus' in the neighbouring village of Hinxton.

14.4.11 Pedestrian and Cycling:

14.4.12 Currently there is an existing footpath along Newmarket Road extending from the southwestern boundary of the site and continues south towards the village centre and linking to Great Chesterford Rail Station. There are

also several Public Rights of Way in the vicinity as described in Section 3 of this report.

- 14.4.13** In addition to the existing footpath, it is also proposed to provide various off-site modifications to improve the overall permeability of the site by improving, modifying, and constructing new footpaths as described in paragraph 4.22 of this report.
- 14.4.14** Public Transport:
- 14.4.15** Great Chesterford is served by one regular bus service; the Stagecoach East number 7 runs on an hourly frequency in the peak periods between Cambridge and Saffron Walden. The nearest bus stops to the application site are located on South Street, approximately 800m south of the site, and Ickleton Road, approximately 850m south west of the site. The Ickleton Road bus stop is also served by route 101 operating a return journey on Tuesdays between Whittlesford and Saffron Walden. Service 132 operates every two hours on a Sunday serving places similar to route 7.
- 14.4.16** In addition to the public bus services, there are also two private bus services Chesterford Research Park which includes a morning and evening shuttle bus service to and from Great Chesterford Station. Additionally, the Wellcome Trust Genome Campus to the north of the site and outside of the district also has free campus buses via Great Chesterford Station.
- 14.4.17** The nearest train station is Great Chesterford Rail Station, located approximately 1km southwest of the site and is accessible via footways on Newmarket Road. The West Anglia Main Line serves the station connecting Cambridge to London and trains operate once an hour with additional trains serving Great Chesterford.
- 14.4.18** Other Opportunities:
- 14.4.19** Great Chesterford lies approximately 6.8km northwest of the town of Saffron Walden. The nearest city is Cambridge, situated approximately 18km northwest. These larger towns would provide further opportunities for future residents of the development to access larger amenities and services to meet their daily requirements.
- 14.4.20** Summary on local amenities and public transport links:
- 14.4.21** It is considered that the site is close to existing services and amenities that are typically required by future residents on a daily basis. The application site is situated within an accessible and sustainable location, close to local amenities and facilities including; schools; retail outlets; health and cultural facilities; sports and recreational fields; and employment opportunities to meet the needs of existing and future occupiers.

14.4.22 As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Great Chesterford.

14.4.23 Social and Economic Benefits:

14.4.24 This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.

14.4.25 The allowance of 50sqm of floorspace for a community café and shop provide jobs for those in the community, supporting local economic activity.

14.4.26 The proposals will retain and include large areas of multi-functional green infrastructure areas, including a heritage park and additional areas of public open spaces with recreational play. These areas will help provide social connections and interaction for both existing and future residents and encourage health lifestyles.

14.4.27 The development will offer a range of housing types including 40% affordable housing of which 25% will be First Homes. The proposal also provides the opportunity to provide 5% custom/self-build homes which will offer a choice to the housing market. In the context of maintaining housing supply, the contribution that this site can make through the delivery of up 350 new market and affordable homes is a positive benefit.

14.4.28 Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.

Environmental Benefits:

14.4.29 The Applicant submits that the proposed buildings will be designed to make use of sustainable materials to reduce environmental impacts of construction through the use of energy hierarchy, using a fabric first approach to design to reduce energy demand, helping mitigate the effects of climate change. Further details regarding this are provided further in this report.

- 14.4.30** The provision of measures to protect on-site ecology and enhancement measures to deliver a biodiversity net gain, which also helps reduce the impact of climate change on site habitats. A number of ecological enhancements have been proposed, which would improve the quality of the site for native flora and fauna. Further details are provided in Section 'L' of this report.
- 14.4.31** The opportunity to increase public awareness of the Scheduled Monuments in context through the design and layout of the site as a heritage park will enable a greater appreciation of the Scheduled Monuments.
- 14.4.32** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one properly takes account of the rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.

14.5 C) Countryside Impact

- 14.5.1** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.2** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.
- 14.5.3** It can be reasonably be perceived that Great Chesterford has developed over time as a nucleated or clustered settlement whereby the development pattern generally contains houses which are grouped closely together, around the central features of the local amenities within the village such as the local church, pubs, and school.
- 14.5.4** The application site is located to the north of Great Chesterford and comprises approximately 31 hectares of arable farmland subdivided into three medium-to-large size fields that are generally enclosed by hedgerows and trees. The proposals would be in the surroundings of twentieth century development to the south along Hyll Close, Meadow Road and Jacksons Lane and is separated from the historic centre of the village.

- 14.5.5** The site a rural setting and approach to Great Chesterford, and the scenic quality of green space along the historic settlement edge. The site has an open character, with long views to and from Great Chesterfield across the rolling countryside. The importance of views from the historic settlement edge into open countryside across pasture fields to the north are also noted in the Conservation Area Appraisal for Great Chesterford.
- 14.5.6** The site is not within any landscape designation and is not part of a valued landscape for the purposes of paragraph 174(a) of the National Planning Policy Framework (NPPF). However, the site is clearly a locally valued landscape for residents and users of the countryside in the surrounding area. The site makes a key contribution to that local value through the public rights of way present, its proximity to the settlement edge and the transitional role between the urban and rural character that it provides.
- 14.5.7** Character Assessments:
- 14.5.8** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous Local Plan prepared a character assessment which provides the detailed ‘profiles’ of Landscape Character Areas within Uttlesford District, known as ‘Landscape Characters of Uttlesford Council’.
- 14.5.9** The site lies within the character area known ‘The Cam River Valley’. The character assessment stipulates that this area is sensitive to change stating:
- 14.5.10** *‘Sensitive key characteristics and landscape elements within this character area include the patchwork pattern of pasture and plantation woodlands, which would be sensitive to changes in land management. The open skyline of the valley slopes is visually sensitive, with new development potentially being highly visible within panoramic inter and cross-valley views. Intimate views from lower slopes to the wooded river valley floor and views to the valley sides from adjacent Landscape Character Areas are also sensitive’.*
- 14.5.11** It concludes that overall, this character area has relatively high sensitivity to change.
- 14.5.12** More recently and as part of the preparation of the evidence base for the new Local Plan, the Council commissioned in June 2021 to prepare a ‘Landscape Sensitivity Assessment’ to consider whether the landscape around towns and villages in the district would be appropriate, as well as sites for new settlements.
- 14.5.13** The purpose of this assessment was to provide a robust and up-to-date evidence base to inform the appropriate scale, form, and location of

future development to minimise harm to landscape and the setting of settlements.

- 14.5.14** The overall results of the 'Landscape Sensitivity Assessment' defines the site, identified as GC2, as being a site that is highly sensitive to residential development as shown in Figure 2 below.

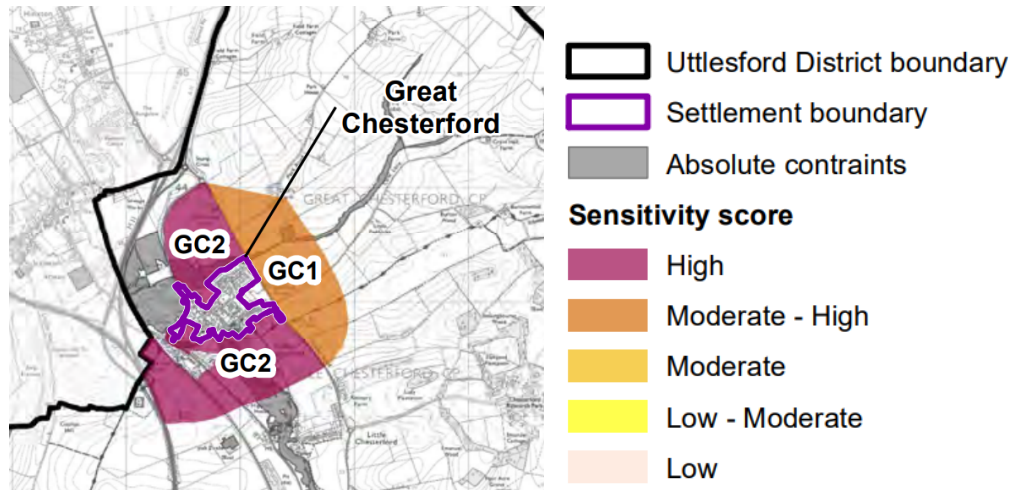


Figure 2: Overall Landscape Sensitivity to Residential Development. (Extract of Figure 3.1 of Landscape Sensitivity Assessment).

- 14.5.15** With regards to Landscape Sensitivity Assessment, it states that the area in which this site falls within is as follows:

14.5.16 *'GC2 is assessed as having a high overall sensitivity to future change from residential development due to its smaller scale (particularly along the Cam), strong natural character, time, depth, open character and rural setting it provides to the village, particularly its importance to the historic character of the village (including the pasture fields north of Jackson's Lane and the well-vegetated river bank and meadows along the Cam). However, the modern settlement edge to the south-east and south-west, and the land adjacent to the railway line have a moderate sensitivity to residential development due to their more developed nature and harsh settlement edges. Sensitivity to mixed use development was assessed as high, due to the small scale and open character of the landscape and general pattern of the current built form. Areas adjacent to commercial development at the railway station would have a lower sensitivity. The parcel will have a moderate-high sensitivity to sports facility development due to levels of dark night skies which are impacted by the proximity of the M11.'*

14.5.17 Further evidence as to the sensitivity of the site is the recent 'Landscape Character Assessment' that was completed in February 2017 by Hankinson Duckett Associates in preparation of the Great and Little Chesterford Neighbourhood Plan.

14.5.18 As confirmed within the Neighbourhood Plan, the report assessed 13 parish character areas and awarded sensitivity and value ratings ranging

from major, substantial, moderate to slight. Areas judged to have major or substantial sensitivity or value indicate that development would have a significant detrimental effect on the character of the landscape.

14.5.19 The Neighbourhood Plan refers that of the 13 parish character areas assessed, one has major sensitivity, seven have substantial sensitivity, four have moderate sensitivity, and there is one character area with slight sensitivity as shown in Figure 3 below:

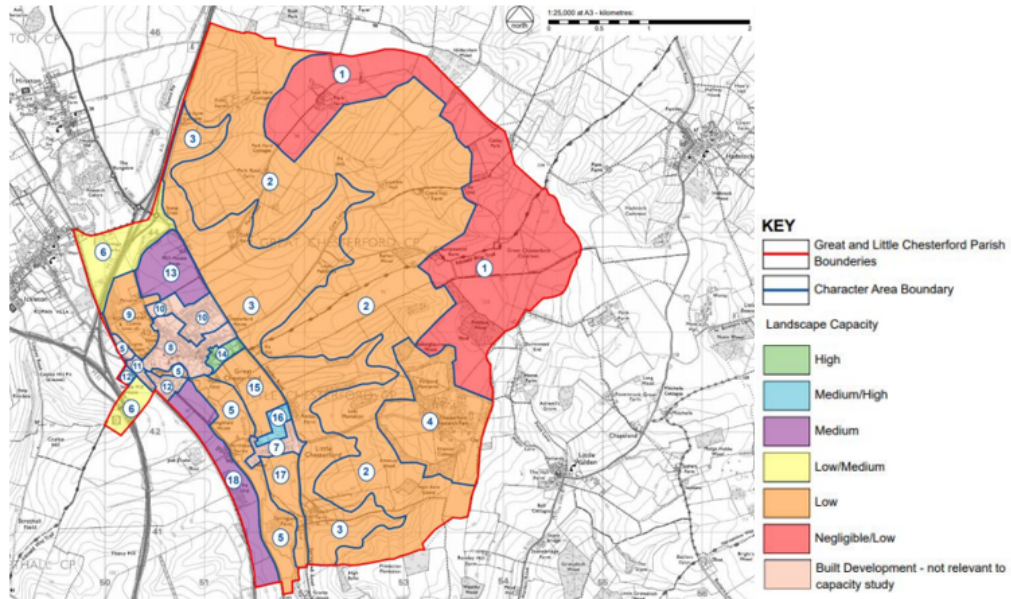


Figure 3: Extract of Figure 3.1 of Great and Little Chesterford Neighbourhood Plan.

14.5.20 The Neighbourhood Plan also refers that the landscape value of the character areas is also mixed, with one area being assessed as having substantial landscape value, nine areas having moderate landscape value and three areas having slight landscape value.

14.5.21 The Neighbourhood Plan in summary because of the conclusions of the Landscape Character Assessment stipulates that a large proportion of the landscape in and around Great and Little Chesterford parishes has substantial landscape sensitivity and moderate landscape value. Therefore, in a landscape terms large areas in and around Great and Little Chesterford will have negligible/low to low/medium landscape capacity for future development.

14.5.22 However, as distinguished in Figure 3 above, the site is commonly known as 'Mill House Farmland' or area 13 as highlighted in purple is recognised as a landscape that has moderate value. Although of a moderate value in reference to landscape capacity, the Neighbourhood Plan refers to the site as being "*There are three grazing fields to the north of Carmen Street and Jacksons Lane. These fields bring a rural influence to the village core and make an important contribution to its landscape character, thus potential development on these fields should be resisted*".

- 14.5.23** In summary, the Council’s assessment of the landscape value of the site is supported by the ‘Landscape Characters of Uttlesford Council’, the Landscape Sensitivity Assessment’ prepared by LUC, September 2021.
- 14.5.24** The findings of these assessments relate to both the wider landscape area and the site and forms part of the yet to be tested evidence base for an emerging Local Plan. However, this does not necessarily mean those findings have limited or no relevance to a landscape assessment of a site within the local area or limit any support it may lend to it. Referring to the Landscape Character Assessment’ that was completed in February 2017 by Hankinson Duckett Associates, given that this provided evidence for the now ‘made’ Neighbourhood Plan, this document is deemed to provide significant value in assessing the landscape character of the site and locality.
- 14.5.25** These three documents thereby provide considerable evidence as to landscape character and value of the site. Combined they refer to the site as either having a ‘medium to high sensitivity’ to change. The Landscape Sensitivity Assessment’ prepared by LUC, September 2021 stipulates that landscapes that are highly sensitive to change are unlikely to be able to accommodate the proposed change without significant character change/adverse effects.
- 14.5.26** Applicant’s Evidence:
- 14.5.27** A Landscape and Visual Impact Assessment has been prepared by LDA Design in support of the application which describes the existing landscape character and visual amenity of the site and its surrounding context and considers the likely impacts on the landscape character and visual amenity of the area.
- 14.5.28** The report finds that the effects on the landscape character would be greatest within the site itself, however, this will reduce beyond the site boundaries. The effects on landscape character would diminish with distance, reducing to ‘low-negligible magnitude’ and ‘Slight’ or ‘Minimal’ effect on the wider study area. Overall, the development would be seen within the context of Cam valley to the north of Great Chesterford.
- 14.5.29** The assessment concludes that the development would be considered appropriate to the character and appearance of the site and the surrounding landscape in terms of the proposals mass, scale, and form.
- 14.5.30** Relevant Policy Consideration:
- 14.5.31** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 14.5.32** Policy S7 Uttlesford District Local Plan seeks to restrict development in the open countryside directing it to the main urban areas. The policy has three strands: firstly, to identify land outside of the settlement limits, secondly, to protect the countryside for 'its own sake', and thirdly, to only allow development where its appearance protects or enhances the particular character of the countryside within which it is set, or if there are special reasons why such development needs to be in that location.
- 14.5.33** A Compatibility Assessment prepared by Ann Skippers Planning (July 2012) reviewed Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible with Paragraph 174(b) of the NPPF as it sets out to protect and recognise the intrinsic character and beauty of the countryside. Modest weight should be given to Policy S7 of the Uttlesford District Local Plan as Adopted (2005).
- 14.5.34** Policy GLCNP/1 of the Great and Little Chesterford Neighbourhood Plan stipulates that new development proposals should be within the development limits of Great Chesterford village, and for proposals that lies outside of the development limits, the intrinsic character, rural nature, and beauty of the area should be recognised, preserved, and enhanced. It continues to state that any development proposals should relate to uses that: either need to be located in the countryside; are appropriate to exception sites; or are employment uses.
- 14.5.35** To confirm the neither the site or the proposals are one of which needs to take place in the countryside, is an exception site, or provides employment as its primary use. However, a detailed assessment in accordance with Policy GLCNP/1 as to whether the proposals would result in harm of a significant degree needs to be assessed and provided further below.
- 14.5.36** Policy GLCNP/2 of the Great and Little Chesterford Neighbourhood Plan refers to the Settlement Pattern and Separation Outside the village development limits. The policy specifically refers to 4 different separation zones around the two villages as shown in Figure 4 below:

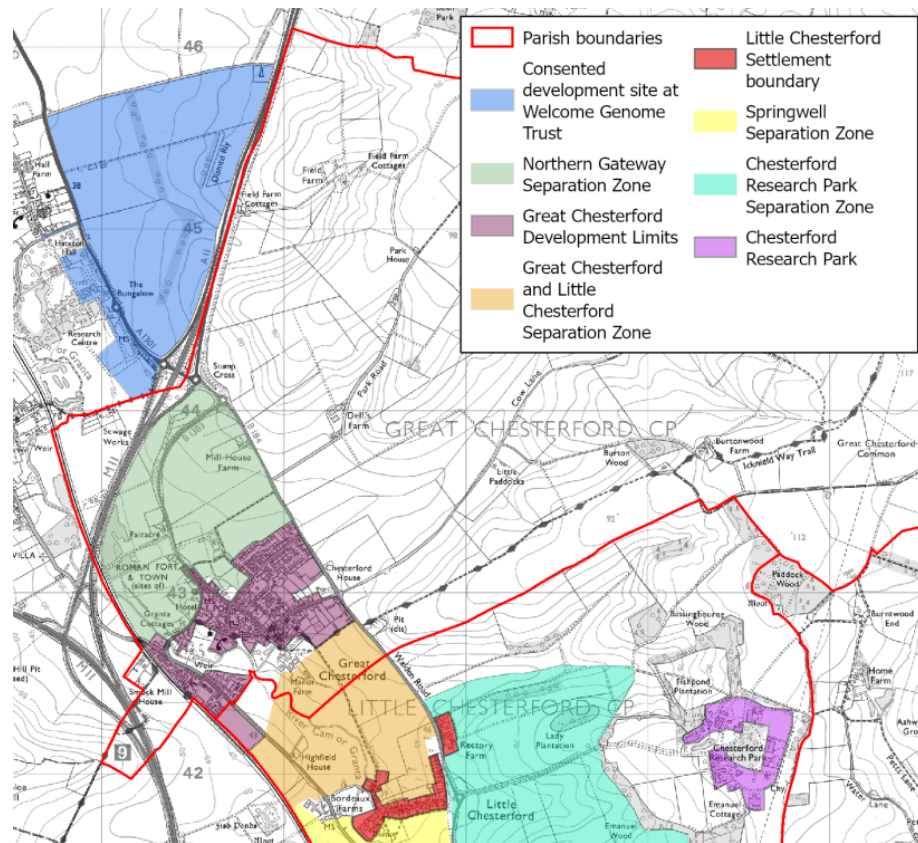


Figure 4: Separation Zones overview as identified in the Great and Little Chesterford Neighbourhood Plan.

14.5.37 The application site falls within the Northern Gateway Separation Zone (light green) as shown in Figure 4. As with all Separation Zones, Policy GLCNP/2 stipulates that development proposals in the Separation Zones should either be appropriate to a location outside a settlement, or otherwise avoid significant harm to the purpose of the Separation Zone in providing a rural buffer or visual break between settlements and/or protecting the character and rural setting of settlements.

14.5.38 The Neighbourhood Plan specifies that the purpose of the Northern Gateway Separation Zone is to provide and serve as a rural buffer or visual break between Great Chesterford and the consented very large development to the north at Hinxton (shown in light blue and outside the district). It is to prevent coalescence between settlements and to provide a transition between the village of Great Chesterford and the national road infrastructure M11.

14.5.39 Countryside/landscape Assessment:

14.5.40 For ease of reference, the assessment of potential landscape impact taking into account the above can be, but not limited to, the following four themes.

14.5.41 Experience:

14.5.42 This relates to the importance placed on the experience of the viewer as they move through the landscape of the site and the effect of the proposals on that. Having had regard to the both the Applicant's supporting LVIA and other supporting documentation, and the Council's own character assessments, the site can be assessed as being an open rural landscape.

14.5.43 Users of PRow (Footpath 17_12) which transitions across the site from east to west generally experience their surroundings of one which is rural with a defined separation of the village to the south and rural open countryside to the north. The site therefore provides an important transitional visual experience of moving from the low density, built form of the Great Chesterford settlement edge to the open rural landscape and countryside. This would be substantially diminished and irrevocably changed by the proposals.

14.5.44 It is acknowledged that the development proposes a large open space area (commonly referred to as the heritage park) within the southern portion of the site, however, it is considered that the scheme would be unlikely to replicate this transitional relationship and experience between the character of the existing settlement edge and the open rural countryside through the proposed development. Therefore, it would result in significant visual harm in terms of how the site and surrounding area is experienced, particularly in terms of that visual and physical transitional role.

14.5.45 Settlement edge:

14.5.46 This relates to the visually soft nature of the settlement edge and the impact of the appeal scheme on it. The proposals would change the character and appearance of the existing settlement edge to the north of Great Chesterford. It is currently viewed as a softened edge due to the low-density housing, community buildings and playing fields screened by mature and substantial trees and large hedgerows. This results in a settlement edge that draws from the features of the landscape and limits or softens the visual and physical contrast between the built form and rural character of the local landscape.

14.5.47 Notwithstanding the indicative open space areas, boundary landscaping, and buffer zones proposed in mitigation along the edge of the application site, it is considered that this would not replicate or suitably replace the softened nature of the settlement edge which already exists.

14.5.48 It is considered that the scheme would not result in coalescence between the village of Great Chesterford and the new development for a mixed development including 1,500 dwellings near the village of Hinxton and the Wellcome Genome Trust Campus.

- 14.5.49** However, it is considered that the scheme will appear as a substantial extension into the countryside and one which would result in an inappropriate extension visually due to the sloping topography and open character of the landscape. The built form of the development would protrude substantially beyond the existing physical and visual edge of Great Chesterford and at the highest point of the site where the ridgelines of the development would be at their highest.
- 14.5.50** This protrusion would be more visually prominent when viewed from those points to the south owing to the increase in sloping topography of the site from south to north and away from the existing settlement edge and when one views from the site along both Walden and Newmarket Roads. As a result, the existing softened settlement edge would be lost. This would be significantly detrimental to the landscape character and appearance of the site and the local area.
- 14.5.51** As the application seeks outline consent, it is acknowledged that only indicative drawings in relation of the proposed landscaping, scale and layout have been provided. Nonetheless, from this, it is considered that the adverse impact of the scheme on the character of, and the visual change to the settlement edge in short and medium range views from the south, southwest, and southeast, would be significant and unacceptable.
- 14.5.52** Characteristics:
- 14.5.53** This relates to whether the nature of the development would be characteristic of the area and in keeping with the wider settlement and landscape or would lead to the loss of key localised features.
- 14.5.54** The Applicant states that the proposals would predominantly comprise of two storey dwellings. This is illustrated in the indicative sketch drawings submitted as part of the application submission.
- 14.5.55** Existing dwellings adjacent to the site are a mix of individually designed one and two storey properties, particularly along the settlement edge along Hyll Close which are positioned on good sized plots. Moreover, the open rural character of the countryside and landscape and its transitional interaction with the existing settlement are intrinsic aspects of the character of the area to which the site forms a part.
- 14.5.56** As reference above, no details of the finalised proposals for house types, building heights and layouts for the scheme have been submitted. Nonetheless, given the location and proposed scale of the scheme and noting the illustrative plans and visuals provided, it is not foreseen that the scheme would be out of keeping to the characteristic of, and in keeping with, its existing surroundings in terms of the aspects.
- 14.5.57** However, due to the constraints of the site and the need to keep an open aspect/view in the attempt to preserve and enhance the setting of the

heritage assets (ancient schedule monuments), there is a need to provide a large expansive open space between the proposed built form to along the northern portion of the site and that of the settlement edge to the south.

- 14.5.58** Although the built form of the proposals would not necessarily result in the housing being isolated, it would however provide a level of separation from Great Chesterford village and would reduce the appearance of the development being seen as an extension or one of which forms part of the village.
- 14.5.59** The development as such would not be seen to be in-keeping with the existing settlement form and vernacular considering specific local information including the Neighbourhood Plan. The development would have a poor relationship with the existing settlement form/pattern/shape and would adversely affect an existing settlement edge failing to provide a sense of place or distinctiveness.
- 14.5.60** New development should relate well to existing form of the settlement shape and form rather than an elongated extension as in this case.
- 14.5.61** Therefore, the scheme would be uncharacteristic and discordant with its surroundings in terms of the open rural countryside landscape and the adjacent low-density of individually designed properties present on the existing settlement edge. As such, it would inevitably, but significantly, harm the character of the landscape and surrounding area which would also be partially lost as a result.
- 14.5.62** Mitigation:
- 14.5.63** This relates to the assessment of whether the mitigation proposed would effectively replicate or replace the intrinsic value of what is an inherently rural site.
- 14.5.64** Consideration has been given in respect to the points made by the Applicant by way of mitigation that will limit the inevitable adverse landscape impacts of the scheme and provide facilities and spaces that otherwise would have not been publicly available including the public open spaces, buffer zones, and landscaped corridors.
- 14.5.65** However, whilst this and substantial boundary landscaping can be provided, such measures cannot replicate or adequately replace the loss of value that the site has to the local community as part of an open rural landscape.
- 14.5.66** Furthermore, it is regarded that such mitigation as indicated in the application submission would not adequately replicate or replace the key local features and characteristics of the site and its surroundings, including the existing soft settlement edge and its transitional role from low-density settlement edge to open rural landscape.

- 14.5.67** Although the site is not part of a designated valued landscape in the terms of the NPPF, it is clearly a locally valued landscape for residents and users of the countryside in the surrounding area. The site makes a key contribution to that local value through the public rights of way present (PRoW 17_12), its proximity to the settlement edge and the transitional role between the urban and rural character that it provides. It is thereby considered that the local value placed on the site is substantial and the mitigation proposed would not make the impact of the scheme acceptable.
- 14.5.68** Summary on landscape character and visual impact:
- 14.5.69** Considering the combined assessment of the four themes above, it is regarded that the adverse impact of the scheme on the experience of the site and local area by local people, and the impact it would have on the character of the settlement edge and wider landscape, is significant.
- 14.5.70** The presence of dwellings to the northern proportion of the site would appear as an incongruous imposition of built development in the open countryside and would erode the currently gentle transition from the built form of Great Chesterford settlement edge to the open countryside around it.
- 14.5.71** Consideration has also been given of the Applicants point that such impacts would be localised and limited to short and medium views from the wider area rather than long distance views. However, the identified impacts as per above are of great significance to those who would be affected most by the scheme and are a material consideration in this application.
- 14.5.72** It is considered that the scheme would have a significant adverse effect on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the NPPF. It would have a significant adverse visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area.
- 14.5.73** Having had regard to the above and all other related landscape matters, it is concluded that that the scheme would have a significant adverse effect on the character and appearance of the surrounding landscape and area. It would not protect or enhance the natural and local environment and would fail to recognise the intrinsic character of the countryside. As a result, the scheme would not comply with to the advice in paragraphs 174(b) and 130(c) in terms of the landscape and visual harm a, Policy S7 of the Uttlesford District Local Plan (as adopted) and Policies GLCNP/1 and GLCNP/2 of the Great and Little Chesterford Neighbourhood Plan. As such, this provides negative weight to the overall planning balance.

14.6 D) Character and Design

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

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

14.6.3 This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features.

14.6.4 Layout:

14.6.5 Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc.

14.6.6 The constraints of the site with the combination of heritage and archaeological features, as well as surface water flooding, public footpath and hedgerows provided limitations to the use of the southern parts of the site to open space uses only.

14.6.7 This open space area is to consist of a heritage park with the majority of this space kept open to retain intervisibility between the Fort and Temple and a central and southern amenity space that will include a network of surfaced and mown paths, integrated drainage basins designed for biodiversity, and the opportunity for extended orchard and allotment provisions.

14.6.8 Although this public open space area was intentionally designed around the constraints of the site, and most noticeably due to the need of preserving the transitional cross views of the heritage assets, the Applicant submits that the open space in the southern portion of the site would present an opportunity to extend the established existing

community, leisure and recreation uses at the recreation ground into the site forming a much larger parkland area.

- 14.6.9** As with the provision of open space, the illustrative layout and structure of the proposed residential units and community shop within the site has been directly informed by the approach to heritage and landscape constraints.
- 14.6.10** The main built form would be primary located within the northern portion and comprise of development clusters. A proposed central green routeway corridor positioned between the two main development parcels is to provide landscaping at the heart of the development and would connect the north and public open space areas.
- 14.6.11** Around the periphery of the built form, it is proposed to provide green edges including retained and enhanced boundary planting to help integrate the development into the landscape and to provide a buffer from surrounding highways.
- 14.6.12** A variation in densities between development parcels will be provided across this part of the site to support character, placemaking, and to provide appropriate housing mix requirements.
- 14.6.13** The Applicant submits that the frontage of the buildings will largely follow other development in the vicinity. The new buildings along the internal highways of the development are to be sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings.
- 14.6.14** Passing through the heart of the development area is the main street that serves as the organising spine linking Walden Road and Newmarket Road and providing access to all other streets within the development.
- 14.6.15** The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development, drainage and flooding, and the surrounding historic and natural environment.
- 14.6.16** It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.
- 14.6.17** Scale:
- 14.6.18** The Applicant has applied careful consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment.

14.6.19 The Applicant has suggested as per within the supporting Design and Access Statement that the height of residential development will generally be two storeys, with a some two-and-a-half dwellings and single storey bungalows. The houses would be a mixture of detached, semi-detached and terrace houses and occasional apartment buildings.

14.6.20 Appearance:

14.6.21 The Applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height, and materials and that these will be set out across different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however, the final design and appearance of the proposals would need to be assessed at reserve matter stage.

14.7 E) Heritage

14.7.1 Heritage Assets:

14.7.2 The application site does not lie within or abut the Great Chesterford Conservation Area. Although there are many listed buildings within the village of Great Chesterford, due to the significant separation the site is located away from these listed buildings, the site will have no direct influence on these assets.

14.7.3 As identified in Figure 5 below, there are two ancient schedule monuments which are in part within, and in proximity to, the site.

14.7.4 The 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' at Great Chesterford is a large and complex multi-period scheduled monument, in three parts over 20ha in total size on the northern edge of Great Chesterford.


14.7.5 There is a further scheduled monument known as 'Romano-Celtic temple' 400m south of 'Dell's Farm' 1.18ha. in size, which is located 850m to the east of the scheduled fort.



LEGEND

 Site Boundary

Scheduled Monuments

 Roman Fort, Roman Town and Roman and Anglo Saxon Cemeteries (NHLE1013484)

 Romano Celtic Temple (NHLE1017453)

Figure 5: Location of Schedule Monuments (extract from Applicants Heritage Appraisal).

14.7.6 These two scheduled monuments are heritage assets of the highest significance, and they are of historical and archaeological importance.

14.7.7 Relevant Policy Consideration:

14.7.8 Policy ENV4 (Ancient Monuments and Sites of Archaeological Importance) states that where archaeological remains are affected by proposed development there will be a presumption in favour of their preservation in situ. It further states that the preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology.

14.7.9 Policy GLCNP/5 – Historic Environment of the Great Chesterford Neighbourhood Plan stipulates amongst many criterion that development proposals should conserve and enhance the historic environment and take account of the open visibility between the Scheduled Monuments comprising the Roman town and Fort, and the Romano-Celtic Temple and the open aspect of the Romano-Celtic Temple area should both be conserved and that development along

Newmarket Road should avoid any significant detrimental impact on views into the designated Scheduled Monuments.

- 14.7.10** The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.
- 14.7.11** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.12** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.13** The Monuments and their Significance:
- 14.7.14** The Applicant has submitted a detailed 'Landscape and Heritage Appraisal' prepared by LDA Design (September 2022) which identifies the Monuments & their significance, the contribution the setting makes upon the Monuments and provides an analysis of the opportunities for the site and in conclusion sets out recommendations to inform the master planning and design of the proposed development.
- 14.7.15** The application was consulted to Historic England and the Conservation Officer at Place Services who also like that of the Applicant's 'Landscape and Heritage Appraisal' provides details of significance of the monuments in their formal consultation response. The summaries contained within the 'Landscape and Heritage Appraisal' and those of the historical officers' assessments are generally similar in respect to the role and significance of the Monuments.
- 14.7.16** Roman fort, Roman town, Roman and Anglo-Saxon cemeteries:
- 14.7.17** The scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' has been recognised as an important archaeological site for over 400 years.
- 14.7.18** The Scheduled Monument comprises three separate areas (parcels) (see Figure 5 above).

- Parcel A is located in the south-western corner of the site, and immediately to the north of Chesterfords Community Centre and car park.
- Parcel B is located to the south of Parcel A, with a rectangular quarry separating it from
- Parcel C to the north. Parcel B is immediately south of the site and north-west and west of the built-up area of Great Chesterford.
- Parcel C is located to the north-west of the site and the built-up area of Great Chesterford, between Newmarket Road and the M11.

14.7.19 The Roman fort at Great Chesterford is one of the very rare examples of its type in the south-east of England and it is one of only four in Essex. As one of a small group of Roman military monuments, which are important in representing army strategy and therefore government policy, forts are of particular significance to our understanding of the Roman period.

14.7.20 The construction of a fort, and subsequent Roman town, at this location in the 1st century AD was highly strategic – and relates to the topographical significance of this location. The fort occupied an important strategic location in the landscape, from which the movement of people and goods could be managed.

14.7.21 The land around the scheduled monument, and especially the remaining open land to the north - the location of the proposed development – is, therefore, particularly important for understanding and also appreciating the siting of the fort in the wider landscape.

14.7.22 The Roman fort was deliberately dismantled and incorporated into a substantial enclosed, and later defended, town. The town was surrounded by cemeteries, industrial areas and suburbs. The establishment of the Roman town on the site of the early fort is itself a matter of great interest and illustrates the continuity between military and civilian rule in the Roman period.

14.7.23 The presence of a large pagan Anglo-Saxon cemetery on the north side of the Roman town is also of great significance and offers important insights into the continued settlement and status of the site in the immediate post Roman period. This is situated to the west of the B1383 Newmarket Road, directly opposite the application site, and also part of the scheduled monument. This is one of only a very small number of Anglo-Saxon cemeteries to be scheduled in the country.

14.7.24 Romano-Celtic temple:

14.7.25 During the Roman period, the major focus of religious observance was located c.800m to the east of the Roman fort and settlement, on the site of an earlier shrine that served the late Iron Age community. This is the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'.

- 14.7.26** The Roman temple is a nationally rare feature in its own right. It is also exceptionally unusual to find one surviving in close proximity to a well-preserved town, to which it quite clearly served, and within an open and undeveloped landscape setting.
- 14.7.27** The Roman temple is situated on rising ground within a side valley that slopes gently upwards and eastwards, away from the River Cam. The temple would have been a prominent reference in the landscape, commanding long views out across the valley and towards the Roman town.
- 14.7.28** These monuments have a particular spatial arrangement, and separation, in the landscape. They are deliberately set some distance apart and they would have been linked by the creation of views that were designed to have a particular, and no doubt powerful, effect on the population. These provide important information for the understanding of this period, and the relationship with the earlier occupation and use of space.
- 14.7.29** Consideration of the contribution of setting to the significance of the scheduled monuments:
- 14.7.30** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. (Parag 199 of the NPPF).
- 14.7.31** Applicants Advice:
- 14.7.32** The Heritage Impact Assessment submitted in support of the application provides an analysis of contributions to the significance of the monuments.
- 14.7.33** The Assessment concludes that the setting of the scheduled monument Roman fort, Roman town, Roman and Anglo-Saxon cemeteries functions on a number of levels. The relationship between the scheduled monument and the areas of undesignated archaeological assets that make up the remainder of the Roman town, including the western cemetery and south-western cemetery areas, the extra-mural settlement to the south-east and south-west and the second walled enclosure underneath the Church of All Saints and Bishops House also contributes to the setting of the scheduled monument.
- 14.7.34** The Assessment continues to confirm that the strategic position of the temple within the wider rural landscape to the east of the walled town is intentional. The integrity of the setting makes a major positive contribution to the significance of the heritage asset. This aspect of the setting also includes the existing residential development off Jacksons Lane and Hyll Close, which is closer to the temple than the proposed development would be, as well as other structures such as electricity

pylons. These modern structures have changed the setting from its original form, but they do not detract from the contribution that the extensive views make to the appreciation of the wider landscape setting of the Romano-Celtic temple c.400m south of Dell's Farm

- 14.7.35** The Assessment concludes that there is a defined relationship between the Roman town and the temple. They were contemporaneous and interlinked. Intervisibility between the temple and walled town would have been more pronounced in the past, without the intervening development in the area of Carmen Street and Jacksons Lane.
- 14.7.36** The Assessment stipulates that this relationship makes a 'moderate to major positive' contribution to both monuments. The views from the temple area back towards the scheduled Roman town make a moderate positive contribution to the ability to experience and appreciate the setting and significance of the relationship between the scheduled temple and the scheduled Roman town including the topographical position of Land at Great Chesterford and the temple in relation to the town and the rural character of the temple's wider setting, including the spacing between the two sites.
- 14.7.37** Historic England Advice:
- 14.7.38** We consider the rural landscape setting of the monuments makes a major contribution to their significance.
- 14.7.39** The two scheduled monuments form part of a fascinating, complex, and multi-layered historic landscape at Great Chesterford. The use, and importance, of space, on a landscape scale, is critical to the significance and understanding of the scheduled monuments and in shaping their appreciation and understanding today. Both monuments, therefore, draw a considerable amount of significance from how they are experienced, and experienced together, in the landscape.
- 14.7.40** Although the monuments are no longer visible as earthworks or above ground remains, they still retain a landscape setting and context – the surroundings in which an asset is experienced. This is in accordance with the approach set out in Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets.
- 14.7.41** The setting of the scheduled monuments makes a strong positive contribution to their significance. Like other examples of their type in this part of England, the scheduled monuments were constructed in the rural landscape. Whilst field boundaries and roads in this vicinity have changed over time and development has taken place to the south of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford, the fundamental agrarian land use in the vicinity of both the scheduled monuments has remained.

- 14.7.42** The open and rural setting of both scheduled monuments makes a major positive contribution to their significance, in terms of appearance and ambience, and the monuments draw a considerable amount of significance from how they are experienced, and how they relate to each other, in the rural landscape.
- 14.7.43** The landscape character provides a strong sense of open space, with long, uninterrupted views to the north and east of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford', that enables the strategic nature of the scheduled monument's location, and it's place in the landscape, to be readily experienced and appreciated. We consider this is critical to the setting of the monument and critical to how the monument's strategic position is experienced and appreciated.
- 14.7.44** The scheduled 'Romano-Celtic temple 400m south of Dell's Farm' also draws a considerable amount of significance from how it is experienced in the landscape, with long open rural views to the west and towards the scheduled Roman fort and town.
- 14.7.45** The spatial relationship of these scheduled monuments to each other in the rural landscape is a very rare survival. The visual and functional links of these sites, and the rare survival of this relationship, adds to the significance of both within the wider historic landscape.
- 14.7.46** It should be acknowledged that the Conservation Officer from Essex County Council in their formal response agreed with the conclusions provided by Historic England in that the proposals would amount to 'less than substantial harm'. However, they did not provide any indication as to severity of the harm in respect to the spectrum of harm.
- 14.7.47** Design Response:
- 14.7.48** Following the assessment of the significance of the schedule monuments and the contribution of setting to the significance the supporting Heritage Impact Assessment submitted by the Applicant provided three recommendations that should be considered in the final master planning of the site as detailed below:
- Recommendation 1: Southern Limit of Built Development: A maximum southern limit of built development should be established that includes the full extent of the Scheduled area of the Roman fort within the site and that retains an open, green corridor to retain the intervisibility between the site of the Scheduled Roman Town, fort and cemetery in its river valley location and the Scheduled Romano-Celtic temple located on rising land to the east.
 - Recommendation 2: Built Form and Grain: The masterplan should be based on a suitably scaled and aligned pattern of streets and spaces that reflects the underlying pattern of historic fields, roads

and trackways which themselves reflect the topographic setting of the village. Consideration should be given to making a feature of the alignment of the trackways, with suitable interpretation provided on site.

- Recommendation 3: Heritage Park: The green corridor should include a 'heritage park'. The heritage park will be accessible and provide suitably located interpretation of the Scheduled Roman town, fort and cemeteries and Scheduled Romano-Celtic temple, including their strategic location as well as other sites and features pertinent to the site and context- such as the alignment of prehistoric and historic routes and trackways within the site. The fort should be demarcated to show its location and extent within the heritage park. The park should be open (i.e, not heavily treed or wooded) to respect the prevailing character of the landscape locally and retain the intervisibility of the Scheduled Roman town, fort and cemeteries and the Romano-Celtic temple.

14.7.49 These recommendations are followed in the creation of the concept masterplan as generally shown in Figure 6 below.



Figure 6: Layout Influences as per recommendations suggested within Applicants Heritage Impact Assessment.

14.7.50 Public Benefits:

14.7.51 Planning Policy Guidance notes some examples of heritage benefits including sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; and securing the optimum viable use of a heritage asset in support of its long-term conservation (Paragraph: 020 Reference ID: 18a-020-20190723).

14.7.52 A detailed Conservation Management Plan (CMP) was submitted with the planning application which outlines the public benefits of the scheme and as set out below:

- Taking the part of the scheduled Roman fort that is within the red line area of the proposed development out of the plough thereby preventing further plough damage to below ground features within this part of the scheduled monument.
- Demarcation of the Roman fort through new stonework.
- The opportunity to increase public awareness of the Scheduled Monument in context through the design and layout of the site as a heritage park.
- the proposed heritage trail comprising historical interpretation boards coupled with a sensitive demarcation of the below ground history through appropriate landscape strategy will greatly increase public awareness and access to the new open space will enable a greater appreciation of the Scheduled Monument.
- Website to host historic information about Great Chesterford.
- Permanent display case in association with Saffron Walden Museum and Cambridge University.
- Museum of Anthropology and Archaeology.

14.7.53 Impact of the proposals on the historic environment:

14.7.54 Applicants Conclusion:

14.7.55 The Heritage Impact Assessment report submitted with the application considers the potential effects of the scheme in detail. This concludes that proposed development would have a minor adverse effect on the setting of the area of the scheduled monument Roman fort, Roman town, Roman and Anglo-Saxon cemeteries (NHLE1013484) which is located within the study site, in its south-western corner. It is further concluded that the proposed development would have no impact on the significance of the other two areas of the scheduled monument Roman fort, Roman town, Roman and Anglo-Saxon cemeteries which are located immediately to the west/south-west of the study site and on the Romano-Celtic temple 400m south of Dell's Farm, which is located c.400m east of the site.

14.7.56 Historic England Conclusion:

14.7.57 The proposed development would introduce residential development on the previously undeveloped north and east side of the scheduled monument. It would also significantly increase the quantum of development around the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford'.

14.7.58 We note the provision of open space (heritage park) between the edge (and including part) of the scheduled monument and the residential

development to north. In our view, however, the open space does not ameliorate the scheme. We consider the proposed construction of 350 new dwellings to the north and east of it would fundamentally change the setting of the scheduled monument from a rural to an urban context.

- 14.7.59** This is because a significant amount of development has been proposed - in the form of new roads, dwellings, swales/ponds and associated landscaping and planting. The activity associated with these – for example, lighting, vehicle movement, and noise – would also detract from the current rural character of the setting. We consider this activity would be unmitigable in any meaningful way.
- 14.7.60** The proposed access road into the development from the west, off the B1383 Newmarket Road, would be located less than 50m to the north of that part of the scheduled monument within the application site. It would be even closer to the area of equivalent heritage significance covering the extra-mural occupation and settlement around the fort, defined by the Applicant's archaeological assessment.
- 14.7.61** The location of this proposed access, and the residential development, would be located directly opposite that part of the scheduled monument on the west side of the B1383 Newmarket Road.
- 14.7.62** The loss of the rural landscape to the north of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' and change of its character, from an open rural landscape to a built environment, would in our view be dramatic.
- 14.7.63** The proposed development would be visually intrusive because it occupies a prominent position within the setting of the scheduled monument that enables its strategic location in the landscape to be readily appreciated. It would, therefore, harm the way it is experienced and appreciated in the landscape, in terms of proximity, location, scale and prominence of the proposed development in relation to the monument.
- 14.7.64** From an open and rural landscape that has existed since late prehistory, it would change to one of built urban form, with new surroundings that would be intrusive and alien. The change would lead to a sustained level of permanent and residual harm.
- 14.7.65** The development would also effectively sandwich the monument between the existing and historic settlement to the south and new residential development to the north. From being situated on the edge of Great Chesterford, where it's strategic location can be readily appreciated, the quantum of the proposed new development on the north side would place the scheduled monument in the centre of the settlement.

- 14.7.66** The proposed residential development would be located to the west and north-west of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. The new access road into the residential development, on the east side, would lead off a new roundabout constructed on the B184 Walden Road, less than 500m to the west of the monument across a large open field. The new development would be located beyond this, to the west and north-west of the scheduled temple and across towards the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford'.
- 14.7.67** We consider the proposed development would harm the significance of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. The proposed development would intrude into the views from the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. It would harm how this monument is experienced in the rural landscape. The change would lead to a sustained level of permanent and residual harm.
- 14.7.68** The proposed development would also harm the way the two monuments are experienced and appreciated together in the landscape, which makes a major contribution to their significance. This is because the proposed development would introduce a large quantum of new built urban form into their setting, and between the monuments, which has been an open rural landscape since late prehistory. Again, the change would lead to a sustained level of permanent and residual harm.
- 14.7.69** We do not believe that the design, layout, density, and planting within the proposal would serve to mitigate its effects. Moreover, we do not believe the design of the development is capable of sufficient adjustment to avoid or significantly reduce the harm that we have identified.
- 14.7.70** Placing this in terms of the National Planning Policy Framework (NPPF), we have concluded this would be a severe level of harm, but less than substantial. This harm would be a very considerable disbenefit.
- 14.7.71** We have considered the proposed mitigation in the form of the conservation management plan. We do not believe this is a sufficient heritage benefit to offset the harm that we have identified.
- 14.7.72** Assessment:
- 14.7.73** Annex 2 of the Framework defines setting as: *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*
- 14.7.74** The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset's physical presence,

but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused.

- 14.7.75** The PPG advises that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. It stresses that whilst the extent and importance of setting is often expressed by reference to the visual relationships, other non-visual factors also affect the way in which it is experienced. It goes on to state that this can also include an understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the way in which their significance is experienced.
- 14.7.76** The site, in conjunction with the adjacent fields, provides a soft, open, and undeveloped edge to schedule monuments. There are hedges/trees and some existing built form which partly interrupt the views between these schedule monuments, but to the passer-by the site and adjacent fields are devoid of buildings, and hence it does not visually compete with the designated heritage assets. The site and other agricultural land adds positively to the significance of the designated heritage assets. In respect to them the proposed development would unacceptably sever the link between such assets and the open landscape setting. The scheme would lead to a significant urbanising effect which would eviscerate the agricultural setting of the open fields and severely curtail its relationship with the wider landscape.
- 14.7.77** For the above reasons, it is concluded that the proposed development would not preserve the setting of designated heritage assets. In respect of the harm caused to the designated heritage assets, it would be severe on the spectrum of less than substantial.
- 14.7.78** It is agreed that the scheme would not cause direct physical harm to any heritage assets, rather, the disputed level of harm solely relates to how the proposal would affect their setting. The Applicant accepts that “minor adverse effects” level of less than substantial harm would be caused to the setting of the ancient monuments whilst the Council finds that there would be a “severe” harm to their respective settings based on the advice provided by Historic England.
- 14.7.79** However, one thing that can be agreed upon is that the proposals would amount to ‘less than substantial’ within the meaning of the Framework.
- 14.7.80** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset’s conservation; the more important the asset, the greater that weight should be. (Para. 199 of the NPPF).
- 14.7.81** Having established that the harm resulting from the proposed Development is a severe level of ‘less than substantial’, it is then

necessary to weigh this level of less than substantial harm against the public benefits of the Proposed Development in accordance with Paragraph 202 of the Framework. Planning Practice Guidance (ID: 18a-020-20190723) explains:

- 14.7.82** *“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit”.*
- 14.7.83** To do this in a comprehensive and efficient manner, these benefits as identified in paragraph 14.7.51 alongside the wider planning benefits, need to be set out in full. There would be public benefits arising from the proposal including the provision of affordable homes and the provision of market housing in the context that the LPA is unable to demonstrate a deliverable five-year supply of housing sites. However, neither this, nor the provision of new or retained landscaping, open space areas social and economic benefits would outweigh the ‘less than substantial harm’ caused to the significance of the designated heritage assets. The severe harm that would be caused to the setting of the ancient schedule monuments will nevertheless be weighed in the wider basket of harms within the planning balance.
- 14.7.84** In summary, it is considered that the resulting severe harm to the heritage assets and should be afforded significant (negative) weight in the planning balance. The public benefit should be afforded moderate (positive) weight in the planning balance.
- 14.7.85** Taken together, it is considered that the overall harm that significantly weighs against the scheme and that this would be contrary to policy ENV4 of the Uttlesford District Local Plan and Policy GLCNP/5 of the Great Chesterford Neighbourhood Plan.
- 14.7.86** It is also necessary to consider the impact on the non-designated heritage assets. The Mills is a residential property located along Walden Road and is in separate ownership. It comprises a two-storey flint property with extensive mature gardens/orchard area to the west. The proposed development area would bring built form close to its north and southern boundaries.
- 14.7.87** Unlike designated heritage assets, Paragraph 203 of the Framework only requires a balanced judgement to be reached regarding the scale of any harm and the significance of such assets.

14.7.88 It is regarded that any development impacts can be mitigated by the detailed layout and design considerations through future reserved matters stages. The supporting Design and Access Statement includes a design code which sets an appropriate character area for the lower-density custom build plots to the north and the residential parcel to the immediate south of the curtilage of The Mills.

114.8 F) Archaeological

14.8.1 With regards to heritage, the latest evidence Uttlesford District Heritage Sensitivity Assessment Stage 1: Towns and Key Villages (October 2021) identifies the site falling within an area as GCA6 (Great Chesterford Roman Town). It concludes within this report:

14.8.2 *“This is a highly sensitive historical and archaeological area. Development could result in the loss of national significant archaeological remains. Further archaeological investigation would likely be required ahead of any development to clarify the nature, extent and significance of archaeological in this area. Development in this area could also harm the setting of Great Chesterford Conservation Area and designated heritage assets lying in the village”.*

14.8.3 In accordance with Policy ENV4 of the Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, Applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

14.8.4 The Essex Historic Environment Record indicates that the proposed development is located within a highly sensitive area of archaeological deposits comprising two Scheduled Monuments containing the Roman Town, Roman Fort and Anglo-Saxon cemeteries. These are located on both sides of the development and within the southern half of the application site. The application area contains the north-eastern corner of the Roman fort.

14.8.5 An Archaeological Conservation Management Plan, geophysical survey and field evaluation in the form of trial trenching has been submitted in support of the application in relation to the historic environment issues. The evaluation fieldwork comprised the excavation of 166 trenches, the majority of these being 30m by 2m.

14.8.6 The evaluation recorded a predominantly agricultural landscape with transit routes to the north and east, two small stock enclosures, a single burial and a probable Roman quarry. Despite its proximity to the Roman town immediately to the west no evidence for the town extending into the study site has been found. Roman and Anglo-Saxon cemeteries are

recorded in the immediate vicinity of the study site, however, apart from one burial, no evidence for further burials or cremations was found within any of the trenches. Artefactual and environmental assemblages were limited and of little significance. Two linear features, a holloway and a boundary ditch, are potentially of a Middle Bronze Age date, with the remainder of the features thought to date to the 1st to 3rd centuries. Limited medieval and post-medieval activity was observed, with an area of gravel quarrying close to Newmarket Road.

- 14.8.7** Prior to the submission of the application, it is acknowledged that the Applicant had discussions with Historic Environment Advisor at the County Council about the nature of how the archaeology of this area can be presented to the new and existing community both physically and also via on-site and internet based interpretative material in which the details of this are set out in the Archaeological Conservation Management Plan.
- 14.8.8** The application was consulted to Essex County Councils Historic Environment Advisor who acknowledged that a programme of archaeological geophysics was submitted in support of the application which identified a range of features some of which have been found to relate to the Roman town. The geophysics was followed by a programme of trial trenching covering the total development area.
- 14.8.9** The Historic Environment Advisor acknowledge that a Conservation Management Plan has been submitted in support of the proposals, however, this has been restricted to the small part of the Roman fort that is located within the Applicant's ownership. As such, the Historic Environment Advisor has suggested that a wider Conservation Management Plan, taking in the scheduled monument outside of the proposal site, and that this is required to be funded by the Applicant to progress a more holistic approach.
- 14.8.10** In summary, no objections were raised subject to the imposition of conditions of permission were to be granted to include further details prior to the commencement of works to include a further mitigation strategy detailing the excavation / preservation strategy, a post excavation assessment, further completion of fieldwork, and a Conservation Management Plan to include the long-term preservation and promotion of the Scheduled Monument.
- 14.8.11** In summary, it is thereby concluded that the proposals would comply with Policy ENV4 of the Local Plan and the NPPF and that weight should be given to the public heritage benefits that the proposals provide in respect to archaeology.

14.9 G) Loss of Agricultural Land

- 14.9.1** Paragraph 174(b) of the Framework, places value on recognising the intrinsic character and beauty of the countryside including best and most versatile agricultural land. The Planning Practice Guidance requires local

planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals.

- 14.9.2** ULP Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.9.3** The Framework defines the Best and Most Versatile (BMV) agricultural land as being in Grades 1, 2 and 3a.
- 14.9.4** The site is Grade 2 based on the Applicant's planning statement submitted and the proposed development would result in the permanent loss of 31.16 hectares of cultivated land area.
- 14.9.5** The Framework sets out that economic and other benefits of BMV agricultural land should be recognised. Footnote 58 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 14.9.6** Accordingly, both local and national policy encourage development to take place on land of poorer quality wherever that is practicable. In that regard, the scheme is not fully compliant with policy. Therefore, implications of using BMV farming land against any alternatives available need to be fully justified.
- 14.9.7** The Applicant argues that opportunities for accommodating new housing development within the Development Limits of towns and villages within the district including Great Chesterford are limited, and that most of the district is classified as being BMV land. As such, to meet the housing needs of the district, the loss of Grade 2 land is unavoidable. It is further submitted that the sustainability credentials of the proposed development are high, and on that basis, there is no real conflict with Policy ENV5. The Applicant accepts that there will be a loss of Grade 2 agricultural land, however, this should be given limited (adverse) weight in the planning balance.
- 14.9.8** Based on the illustrative masterplan (ref :12D) around two thirds of the existing site would be lost to residential development and the remainder would be used for landscaping, flood attenuation and public open space. As a consequence, it would no longer be feasible for any commercial farming within the site.
- 14.9.9** The application was consulted to Natural England who confirmed that they had no objections.

14.9.10 There could be the potential for soils to be recycled for use within individual gardens and the undeveloped parts of the site could be used for small scale crop growing such as the proposed allotments as indicated on the illustrative masterplan.

14.9.11 Nevertheless, the loss of agricultural land carries moderate negative weight against the development.

14.10 H) Housing Mix and Tenure

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

14.10.2 On 24th May 2021, the Government published a Written Ministerial Statement¹ that set out plans for delivery of a new type of affordable home ownership product called First Homes. First Homes are the Government's preferred discounted market tenure and should account for a minimum 25% of affordable housing secured through planning obligations.

14.10.3 Uttlesford District Council requires the provision of 40% of the total number of residential units to meet the national definition of 'affordable housing' within all new residential developments that comprise 15 or more residential units or a site of 0.5 hectares and above. To meet housing need the 40% affordable housing policy requirement must incorporate 70% affordable housing for rent, provided as either social or affordable rented housing. The remaining 30% required to meet demand for affordable shared home ownership. The First Homes Requirement (25%) can be accounted for within the 30% affordable home ownership element of the contribution. As such, the following affordable housing contribution will be considered policy compliant:

- 70% of the affordable units will be required as affordable housing for rent.
- 25% of the affordable units on new residential developments will be required as First Homes.
- 5% of the affordable units on new residential developments will be required as Shared Ownership Housing.

14.10.4 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for

New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

- 14.10.5** Based on 350 units, the Council housing officer has confirmed that the proposals should contain 40 affordable and 210 market. The affordable will need to be 98 affordable rent, 35 First Homes, and 7 shared ownerships. Table 1 in this report confirms that indicative housing mix and tenure. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the Applicant refers to the above accommodate needs.
- 14.10.6** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 16 bungalows across the whole site delivered as 5 affordable properties and 11 for open market. The Applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix.
- 14.11** **I) Neighbouring Amenity**
- 14.11.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.11.2** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.
- 14.11.3** However, in respect to layout, it is regarded that the site is well distanced from neighbouring properties adjacent and adjoining site and that the proposals could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.
- 14.11.4** In relation to the proposed community building, relevant conditions could be imposed in respect to sound installation, hours of use to prevent unwanted noise and disturbance from this building.
- 14.11.5** Furthermore, a condition could be imposed in respect to the submission of a Construction Environmental Management Plan to ensure that there would not be a significant adverse impact to surround occupiers in relation to noise and disturbance during the construction phase of the development.

14.11.6 Appearance and scale are set for reserve matters and thereby currently there is no indication in respect to the size and window positioning on each of the dwellings. As such, details such as visual blight, loss of privacy and light would need to be assessed as part of future reserve matters applications.

14.12 J) Access and Parking

14.12.1 Relevant Policy:

14.12.2 Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

14.12.3 Paragraph 112 of the NPPF continues to stipulate that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, address the needs of all users, create places that are safe, secure, and attractive, allows efficient delivery of service and emergency vehicles and designed to cater for charging of plug-in and other low emission vehicles.

14.12.4 Policy GEN1 of the Uttlesford District Local Plan is broadly consistent with the aims and objectives of the NPPF as set out above. It requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and encourage movement by means other than a vehicle.

14.12.5 Policy GLCNP/3 (Getting Around) of the Neighbourhood Plan aims to promote safe and sustainable transport by promoting pedestrian use of railway station, safe pedestrian, and cycle access to village services and between villages, road safety for all in village streets and promoting and enhancing cycling routes south to Saffron Walden and north towards Cambridge.

14.12.6 Overview of Road Network:

14.12.7 As shown in Figure 7 below, the application site is bordered by Walden Road (B184) to the east and Newmarket Road (B1383) to the west.

14.12.8 Walden Road (B184) extends between the town of Saffron Walden to the south and the A11/M11 at Junction 9A. It thereafter extends into the A1301 which runs to Cambridge. Walden Road is subject to a 50-mph speed limit where it adjoins the site and passes the fringe of the village.

14.12.9 Newmarket Road (B1383) runs broadly parallel to Walden Road and routes in a north-south direction connecting to the M11 J9a via the B184 Stump Cross to the north and Bishop's Stortford to the south. The speed

limit at the site frontage is 50mph for vehicles travelling south, reducing to 30mph close to the site's southwestern boundary.

- 14.12.10** The M11 passes within 450m of the site, running to the west of the village. At Junction 9, a dual carriageway, still designated as the M11, diverges. This continues as the dual carriageway A11 trunk road beyond Junction 9a.

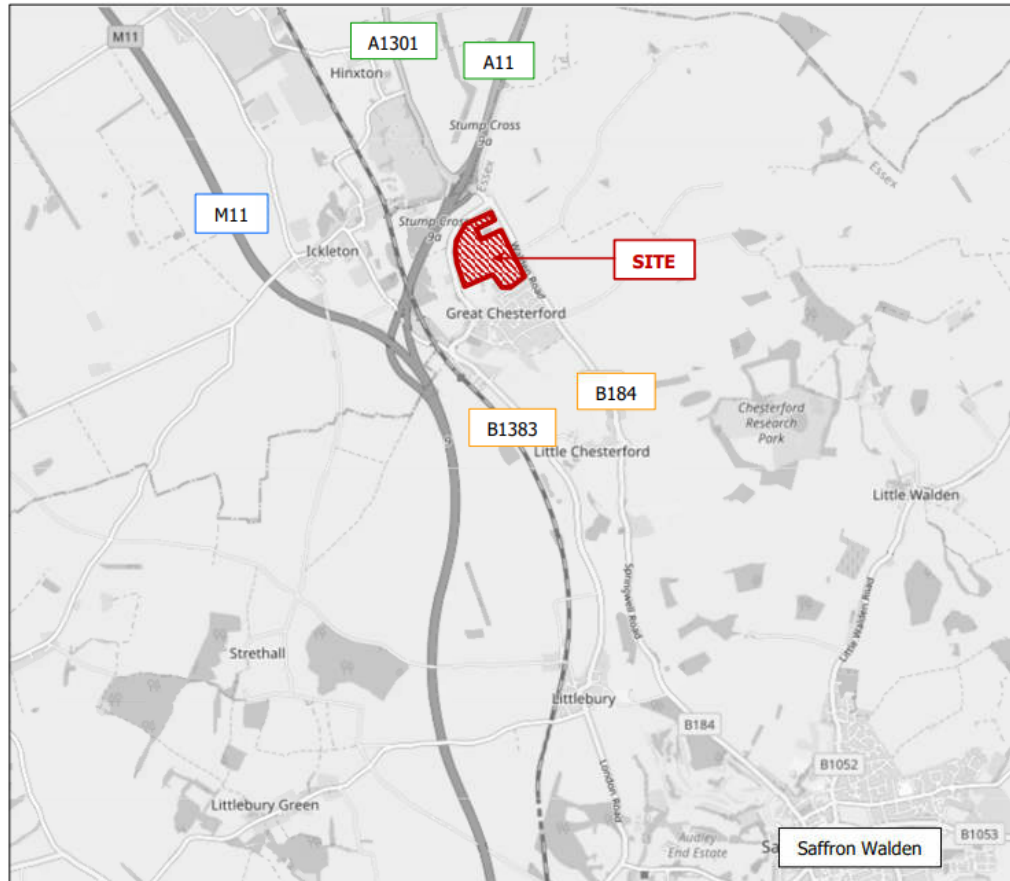


Figure 7: Surrounding Highway Network. (Extract from Applicant's Transport Statement.

- 14.12.11** Proposed Vehicle Access:
- 14.12.12** Vehicular access to the site will be formed on Walden Road and Newmarket Road, as shown on DTA Drawings 22400-01b-1 and 22400-3. The two access points into the site are included in detail for approval as part of the outline application.
- 14.12.13** The principal access will be from Walden Road in the form of a new 4-arm priority roundabout. The junction achieves visibility splays of 2.4m x 160m in both directions. This will also provide a pedestrian refuge for safer crossing of Walden Road to Park Road for Public Footpath 12-17.
- 14.12.14** Secondary access is proposed onto Newmarket Road which comprises of a new simple form priority junction. This will be positioned south of a residential property (named 'Fairacre'). The access arm will be 6.1m

wide and incorporate a 10m wide corner kerb. The junction achieves visibility splays 2.4m x 163m to the north and 2.4m x 153m to the south.

- 14.12.15** Both accesses will be appropriately lit and ultimately offered up for formal adoption as part of the public highway network. It is proposed that a development spine road will be constructed through the site connecting both access points.
- 14.12.16** Travel Patterns & Trip Generation:
- 14.12.17** Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking, and the convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.
- 14.12.18** A Transport Assessment (TA) has been prepared by David Tucker Associates and submitted in support of the application, a Highways Technical Note and a Transport Addendum.
- 14.12.19** The Assessment relies on information based on the 2011 Census 'Method of travel to work' which provides data on the travel patterns for residents who live near site. This confirms that 56.6% of the existing population travel to/from work by car, 26.5% by sustainable transport trips, of which 11% are taken by public transport, 9.9% are pedestrians and 1.6% are cycle trips and that a total of 16.1% of residents in the area work from home.
- 14.12.20** The Neighbourhood Plan provided some evidence as to the frequency of the use of public transport links for those who live locally. It confirms that the railway station is frequently or occasionally used by 68% of respondents to the Great Chesterford Survey. However, the bus service between Saffron Walden and Cambridge which stops in the centre of the village of Great Chesterford it is not well used, with 77% of respondents to the Survey saying that they never or hardly ever use it.
- 14.12.21** The Assessment also establish the current traffic levels on the local road network with Automated Traffic Counts (ATC's) which were undertaken near the proposed site access points on the B184 Walden Road and the B183 Newmarket Road over seven consecutive days starting Monday 7th March 2022.
- 14.12.22** It was established that the results of the surveys showed that the B184 typically caters for circa 1,000 vehicles per hour during weekday peak hours, whilst the B1383 caters for around 500 vehicles per hour during weekday peak hours. This averages to approximately 4-8 vehicles per minute in each direction.

- 14.12.23** It is proposed to develop the site with up to 350 residential dwellings and to predict the likely levels of car trips that the site would generate because of the development, the Assessment has based its calculations on TRICS which is a nationally accepted database and, on the journey, to work data from the 2011 Census.
- 14.12.24** 'Person trip rates' are how many people will be travelling from site. The proposed development as confirmed within the Transport Assessment is predicted to generate 332 people movements from the site in the morning peak and 306 in the afternoon peak hour in which 67.5% of those movement will be 'car drivers'. This results in 224 vehicle movements in the morning and 207 vehicle movements in the afternoon peak times. As a result, it is predicated that 108 people movements will leave the site by other modes, such as public transport, walking and cycling.
- 14.12.25** The Transport Assessment has undertaken an extensive assessment of the impact of the proposed development on the capacity of the surrounding junctions and existing traffic levels. It concludes that there is likely to be a marginal increase on the A11 / M11 J9A Northbound Slips Junction and the B184 High Street / George Street / Abbey Lane which will exceed capacity, however this is not significant.
- 14.12.26** Mitigation and Off-Site Works:
- 14.12.27** The site is generally accessible as detailed in Section B of this report. However, to help improve the overall permeability of the site and to reduce the need for vehicle movements generated from the development as the main option of travel to and from the site, the Applicant has made available several sustainable access and transport measures to be incorporated into the development. The following off site measures is proposed as part of the development:
- 14.12.28**
- 3m wide footway/ cycleway on eastern side of Newmarket Road, between proposed site access and Carmen Street (DTA drawing 22400-01b-1).
 - A new footway of varying width within public highway on Carmen Street, and to the north of the existing wall within Horse Field (DTA drawing 22400-01b-1).
 - New 2m wide footway with dropped kerb tactile paving at Walden Road / High Street/Cow Lane junction (DTA drawing 22400-4) to improve safety of pedestrians crossing Walden Road.
 - Widening of existing footway, to a 3m wide shared footway/ cycleway from Church Street to Station Approach (DTA drawing 22400-07).
 - New 2m footway along Walden Road (DTA Drawing 22400-08) between the site access and Jacksons Lane.
- 14.12.29** The proposed development will ensure that good connections are made from the site into the Great Chesterford and throughout the site. The

proposals will make walking and cycling a practical choice linking to the range of services and facilities within the village.

- 14.12.30** A Travel Plan has been prepared by David Tucker Associates (DTA) to support the application. It aims to reduce the need for unnecessary travel, minimise the number of single occupancy car traffic movements, encourage the use of public transport, cycling, walking and car sharing and provide for those with mobility difficulties. In addition, it aims to monitor travel patterns and identify further opportunities to encourage sustainable modes of travel.
- 14.12.31** Based on the objectives and targets set out in the Travel Plan, it is considered that one can reasonably assume that there would be a reduction of the number of vehicle movements generated from the development from 56% to 50% within 5 years of the completion of the development.
- 14.12.32** A Travel Plan Co-ordinator (TPC) will be appointed prior to the occupation of the development and be employed continuously for the duration of the Travel Plan which is for the period of five years following 100% occupation.
- 14.12.33** Proposed Bus Service:
- 14.12.34** Great Chesterford is served by one regular bus service; the Stagecoach East number 7 runs on an hourly frequency in the peak periods between Cambridge and Saffron Walden. Currently the nearest set of bus stops to the site are located on South Street, circa 1km south (or circa 13 minutes' walk) of the site.
- 14.12.35** The Applicant has confirmed that they have had detailed discussions with Stagecoach who operate the bus service and that it has been agreed in principle to reroute the existing bus service if permission were to be approved.
- 14.12.36** As shown in Figure 8 below, the preferred option would be to reroute bus route 7 into the site off Newmarket Road. The service would continue through the site and exit from the eastern access on Walden Road. From here, the route would travel north, join Newmarket Road and travel south to re-join its existing route on Ickleton Road.

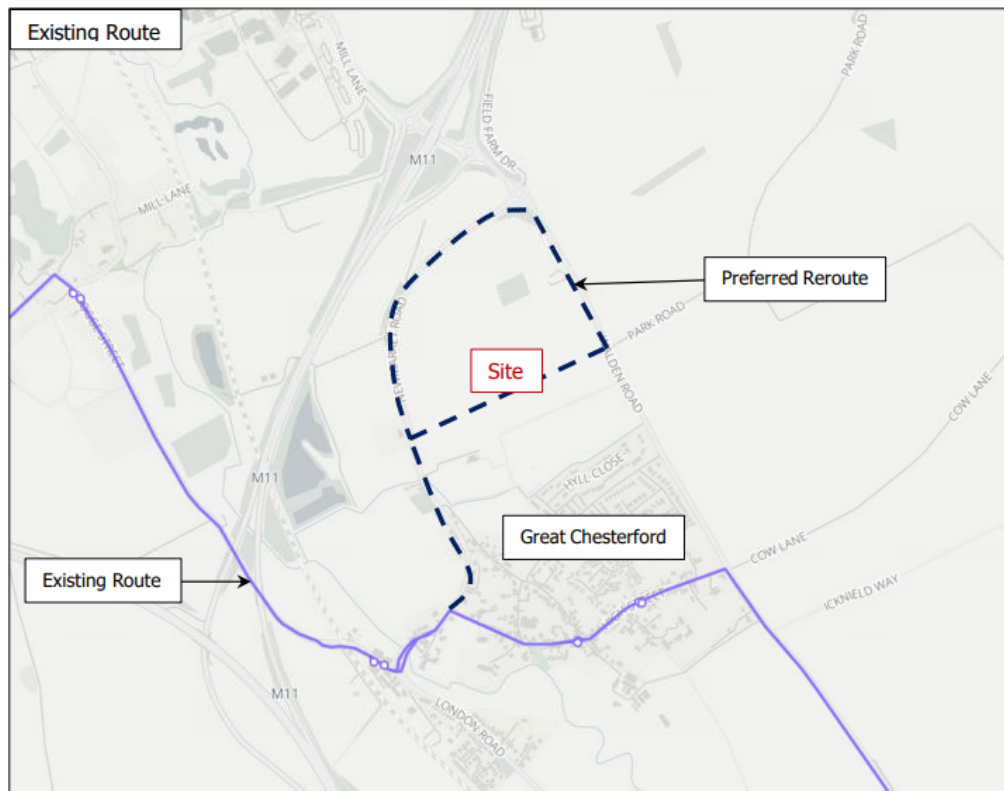


Figure 8: Indicative reroute of bus service 7 between Cambridge and Saffron Walden

14.12.37 As a Public Transport Strategy develops, new bus stops will be allocated as part of the final site layout. The new stops will be located; where possible, within a 400m walking distance of each of the dwellings. Requirements for bus stop provision, including equipment and location will be addressed during the detailed design stage if outline permission were to be approved.

14.12.38 Assessment:

14.12.39 Highway safety and congestions is a significant concern of the Parish Council, residents and interested parties. The primary focus of concern is centred on the additional traffic generated by the proposals and the congestion that this potential inflicts on the three main internal thoroughfares within the village being the High Street, School Street, and Carmen and Carmel Streets. The amount of traffic generated in this area, particularly at school drop off and pick up times, has raised several concerns.

14.12.40 It is acknowledged that the scheme would add further traffic on to the local highway network and increase the capacity of the surrounding junctions marginally.

The question, then, is whether such an increase in traffic levels here and on the adjacent highways would increase the risk of accidents happening.

- 14.12.41** There is evidence that the area has experienced several incidents in recent years and an accident record has been submitted summarising these in the Applicant's supporting Transport Assessment. Personal Injury Collision (PIC) data for the roads surrounding the development has been obtained from ECC for the most recent five-year period from 1st February 2017 to 31st January 2022.
- 14.12.42** A total six collisions were recorded within the study area, of which three were 'slight' and three 'serious' in severity, with no fatal. Of the collisions in the study area, three involved a vulnerable road user. Two of these collisions resulted in the injury of a pedestrian and one resulted in the injury of a cyclist. A single collision was recorded on Newmarket Road, involving two vehicles and one casualty. The causation factor for the collisions were recorded as driver error and not due to a particular highway design issue.
- 15.12.43** However, when considering the severity of those accidents which have resulted in some leading to serious injury, whilst the quantity may be low, the serious nature of them is moderate. Whilst it is accepted that individual incidences of driver error are difficult to mitigate against, one could reasonably presume that due to more traffic in an area, on the balance of probability, this may lead to more accidents. However, this based on probability and not as a fact.
- 14.12.44** Although there would be an increase in traffic movements on the local highway network, it is considered that because of appropriate mitigation and improved highway works including new and enhanced cycle and pedestrian links, along with the rerouting of the bus service, there would not be a significant increased conflict between vehicles, cyclists, and pedestrians, particularly at certain busy times of the day.
- 14.12.45** Pedestrian crossing points are proposed including new footpaths along both Newmarket and Walden Road and thereafter extending into the village. It is regarded that priority is given to pedestrians and cyclists and that safe and suitable access is in place for all users.
- 14.12.46** The application was consulted to Essex County Council who are the lead local highway authority. The Applicant undertook extensive pre-application discussions with the highway authority prior and post submission of the application. The highway authority confirmed that they have visited the site and reviewed all the supporting documentation. They also confirmed that they have assessed the proposals in accordance with relevant guidance and considered matters of access and safety, capacity, the opportunities for sustainable transport and mitigation measures.
- 14.12.47** The highway authority concluded that from a highway and transportation perspective, the impact of the proposal is acceptable subject to imposing appropriate conditions and obligations if permission is approved.

- 14.12.48** Suggested conditions include securing on and off-site highway works including those along Newmarket Road and Walden Road, and securing obligations such as a financial contribution towards the bus service and providing relevant infrastructure.
- 14.12.49** National Highways have also confirmed that they are content that there will be no significant capacity impacts on the surrounding road network and particular junction 9a of the M11 due to this development.
- 14.12.50** Consequently, having had due regard to the above and all other related matters, it is considered that the scheme would not have a severe cumulative effect on the free flow of traffic on the local highway network and along Newmarket Road and Walden Road in particular. It has been appropriately demonstrated that safe and suitable access can be achieved for all people: the vehicular access design conforms with design standards, whilst foot and cycle connections provide routes through to surrounding areas.
- 14.12.51** The additional traffic generated by the scheme is inconsequential and that the proposed mitigation such as the rerouting of the bus service and the construction and enhancement of new and existing paths will help to offset the need for travel by private vehicles and promote sustainable transport.
- 14.12.52** The proposed mitigation for impacts of the proposed development generated by vehicle movements carries neutral weight in the planning balance. The scheme proposes several improvements to the existing public path network that should be afforded some positive weight in the planning balance.
- 14.12.53** Pedestrian and Cycle Movement:
- 14.12.54** Successful development depends upon a movement network that makes connections to destinations, places, and communities, both within the site and beyond its boundaries.
- 14.12.55** Well-designed places have a hierarchy of well-connected routes, such as boulevards, streets, roads, avenues, mews, and courts. New developments help to reinforce or extend the movement network. For pedestrians and cyclists, direct links create good connections to public transport and promote active travel, particularly where they are along routes with low levels of vehicular traffic.
- 14.12.56** Prioritising pedestrians and cyclists means creating routes that are safe, direct, convenient, and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that people want to use them. Public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes.

- 14.12.57** It is acknowledged that the scheme is seeking permission in principle for the residential development of the site and as such the finer details have not been finalised. However, the Applicant confirms that the internal layout of the site will be designed to provide a road network in which pedestrian and cyclist movements are prioritised, with a series of permeable pedestrian and cycle routes which will connect the entire site. There is no reason to dispute this fact.
- 14.12.58** The off-site works also support walking and cycling to key destinations such as the Great Chesterford train station, the village centre and primary school, and nearby local employment centres and provides a wider benefit to the local community. They also enhance the existing network and utilise existing public rights of way which will help people wanting to use them.
- 14.12.59** Refuse and Service Vehicles:
- 14.12.60** It has been stipulated by the Applicant that the site access points, and the internal road network will be designed to accommodate refuse and emergency vehicles as appropriate to meet servicing standards. Space will be created within the site layout to allow manageable reversing and turning manoeuvres.
- 14.12.61** Parking:
- 14.12.62** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.12.63** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. One visitor space is also required for every 4 residential units. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.12.64** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the Applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.12.65** The Applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure for each residential unit. The proposed café/retail space will also include this facility.

14.12.66 Great Chesterford Special Roadside Verge:

14.12.67 Great Chesterford Roadside Verge is on the east side of the B184 Walden Road between located approximately 100m to the south of the site adjacent to the built form of the village. This verge supports species rich chalk grassland and rich flora, and this habitat is now very rare in the UK. The Special Roadside Verges scheme for Essex seeks to safeguard the last verge sites in the county where rare plants still grow.

14.12.68 The Councils Natural Science Officer has confirmed that the proposed highway works will not affect the special roadside verge (UTT24A), however, protection will be needed during any period of construction works. If permission is granted, this can be controlled by way of an appropriately worded planning condition.

14.13 **K) Landscaping, Arboriculture, and Open Space**

14.13.1 Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

14.13.2 In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. It is suggested that a high-quality landscape plan be supported in support of the proposals.

14.13.3 Arboriculture:

14.13.4 It is understood that the proposals would include where possible the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.

14.13.5 Open Space:

- 14.13.6** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development. This should be considered in respect to the final design of the layout.
- 14.13.7** Around 17.53 hectares of the Site (58%) will be provided for the accommodation of multi-functional green infrastructure areas.
- 14.13.8** Figure 9 below highlights the illustrative landscape master plan defining the different areas of open space across the site.



Figure 9: Illustrative Landscape Master Plan.

- 14.13.9** The main feature is the proposed east-to west 'Heritage Park' as identified as point 1 above. Most of this space will be kept open to retain intervisibility between the schedule monuments of the Fort and the Temple, made up of groups of tree planting on outer edge and provide amenity space events and community activities.

- 14.13.10** To the south of the Heritage Park is an area of amenity open space. This will contrast with the Heritage Park and adjacent Great Chesterford Recreation Ground by being an area offering a more diverse mosaic of trees, scrub, grassland, and wetland as indicated as point 3 above.
- 14.13.11** The main development parcels would be separated by a north-south 'Green Spine' as indicated as point 2 above. The aim is to provide an attractive, multi-functional landscape at the heart of the development. The green spine will be a focus for children's play provision and pedestrian routes.
- 14.13.12** The proposals include a landscape buffer to the north, east and west of the site to maintain a degree of enclosure around the housing parcels and to help integrate the development into the landscape. The open space to the north of the site will consist of community orchards.
- 14.13.13** Recreation:
- 14.13.14** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. Play areas must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained. The Council use guidance from the 'Fields of Trust' in respect to the provision and location of play areas and this should be followed.
- 14.13.15** An indicative play strategy has been designed that provides a policy compliant amount of play space, while also adhering to Fields in Trust guidance for minimum sizes for different types / walking catchments for different types of play spaces.
- 14.13.16** As referred in Figure 10 below, two Local Equipped Area of Play (LEAPs) are proposed within the Green Spine. It is anticipated that these will be timber-based, naturalistic play spaces, ensuring they are well integrated into the landscape. Five incidental play spaces are suggested within and around the development, providing small scale play features equivalent to a LAP that are integrated into the landscape



Figure 10: Indicative Childrens Play Strategy.

14.13.17 In addition to play areas and equipment, pedestrian routes are proposed throughout the site providing opportunities for recreation and potential connectivity with surrounding spaces and routes. Footpaths will typically be surfaced for maximum usability, but will include informal mown routes in key areas, such as the Heritage Park and Amenity Open Space Area. Signage and interpretation boards will be provided at important points around the site allowing the heritage and landscape to be revealed, interpreted, and better understood.

14.14 L) Nature Conservation

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

14.14.2 Paragraph 180 (a) of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused.

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

14.14.4 The Applicant has submitted an Ecological Impact Assessment (Ramm Sanderson, October 2022) in support of the proposals.

- 14.14.5** The Assessment confirmed that most habitats on site are generally of limited ecological value, dominated by freshly ploughed arable land. The value of habitats was largely noted in their potential to support a range of protected / priority species and that some trees could offer the potential habitat for a range of nesting birds, roosting bats, and invertebrates.
- 14.14.6** It continued to state that there are limited habitats for birds, hazel dormouse, great crested newts, and reptiles on the site, and that there were no badger setts or field signs recorded on the site.
- 14.14.7** The Applicant stipulates that the landscape and planting strategy for the proposed development, including the plots, parkland and general amenity areas offers an opportunity to improve the habitats and nature conservation on site from the established agricultural use.
- 14.14.8** The submitted Ecological Impact Assessment has calculated that there could be a 41% net gain in habitats and an 88% net gain in linear features (such as hedgerows) via a collection of measures using the latest Natural England 'metric'. The proposals therefore contribute towards significant biodiversity net gains, well above the NPPF guidance of 10%.
- 14.14.9** Place Services ecologist confirmed that they have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 14.14.10** The Ecologist also confirm that the mitigation measures identified in the Ecological Impact Assessment should be secured and implemented in full. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework.
- 14.14.11** It is thereby deemed that it is possible to retain the trees with bat roosting potential and much of the other boundary vegetation. Lighting measures can be sympathetic not just for bats and birds, but other species groups too. Additional planting and the use of bat/bird boxes would provide ecological enhancements. Such measures can be secured by condition as part of a landscape and ecology management plan.
- 14.14.12** Therefore, the development would have an acceptable and beneficial effect on ecology and thus the proposed development complies with Policies GEN7 and accords with paragraph 180 of the Framework.
- 14.15** **M) Contamination**

14.15.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

14.15.2 A Phase 1 investigation has been submitted with the application. It shows that the site has been used for arable farming for and is a low risk for contaminated land. There is however a low risk of contamination from pesticides and herbicides at the site which requires further investigation and if permission were to be approved, appropriately worded conditions would be imposed on the decision notice.

14.16 N) Flooding and Drainage

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

14.16.2 The Environment Agency's (EA) indicative Fluvial and Tidal Flood Mapping demonstrates that the proposed development is primarily located within Flood Zone 1 in accordance with the Flood Risk and Coastal Change PPG as per Figure 11 below. However, a small portion of the site falls within Flood Zone 2 and 3. No housing is proposed within this area on any of the illustrative masterplans and the route into and out of the site would also avoid this area.



Figure 11: Environment Agency 'Flood map for planning'.

- 14.16.3** The NPPF sets out the need of Sequential Testing. The Sequential Test aims to direct new development to areas with the lowest probability of flooding. The development area of the site has been identified as located within Flood Zone 1. It is therefore considered to pass the Sequential Test and the need for Exception Testing is not required.
- 14.16.4** New major development for housing need to include a flood risk assessment as part of their planning application to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.
- 14.16.5** The scale of the proposals has the potential to cause an increase in impermeable area, an associated increase in surface water runoff rates and volumes, and a consequent potential increase in downstream flood risk due to overloading of sewers, watercourses, culverts, and other drainage infrastructure. To demonstrate that sewer and surface water flooding is not exacerbated, surface water should be considered within the design of the site. This demonstrates that any additional surface water and overland flows are managed correctly, to minimise flood risk to the site and the surrounding area. The proposed surface water network on the site should be designed to show exceedance of the network has been considered. As this application seeks the development of the site in principle, full details of the design of the SuD's infrastructure to minimise the risk of on site or off-site flood risk has not been finalised.
- 14.16.6** In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development incorporates a sustainable drainage system including three large attenuation ponds to the south of the site. To prevent flooding, both on and off-site attenuation and controlled discharged will be utilised to control surface water flows. These features will be designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an additional allowance to account for increase rainfall due to climate change.
- 14.16.7** The drainage strategy proposes additional features including permeable paving located on various private roads and parking bay areas and swales are to be utilised alongside roads to convey runoff through the drainage network to the various attenuation features. The exact layout and extents of these features will need to be determined once a more detailed site layout is proposed.
- 14.16.8** The application was consulted to both the Environmental Agency and Essex County Council who are the Lead Local Flooding Authority who both confirmed that they have no objections to the proposed development subject to imposing conditions if permission is approved.

14.16.9 Concluding on this issue, the proposed development would have an acceptable effect on flood risk. Therefore, it would accord with Policy GEN3 which, amongst other things, supports development which is located and appropriately designed to adapt to climate change in terms of flooding and drainage. It has also been shown that the development will be safe without increasing flood risk elsewhere.

14.17 O) Planning Obligations

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

14.17.2 Housing:

- Affordable Housing: 40% affordable housing (split across the affordable rent, intermediate tenures and first homes)
- 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes).
- 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 16 bungalows across the whole site delivered as 5 affordable properties and 11 for open market.
- The delivery of 10 plots for custom/self-build residential units.

Education:

- Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £17,268.00 per place Total contribution = **£543,942.00**)
- Primary Education: if required the provision of an appropriate contributions towards Primary education facilities as agreed with the County Council. (Financial contribution of £19,425.00 per place Total contribution = **£2,039,625.00**)
- School Transport: Primary School £2,322,379.50 and Secondary School £348,460.00. Total contribution = **£2,670,839.50**
- Libraries contributions: if required the provision of an appropriate contributions towards library facilities as agreed with the County Council. Financial contribution of £77.80 per unit, Total contribution = **£27,230.00**)

Sports Provision:

- Outdoor playing fields and pitches: The total cost of providing these pitches is currently estimated to be **£201,429.00**.
- Changing Rooms: The total cost of providing changing rooms would cost **£262,776.00**.
- Indoor Sports: The Sports Facility Strategy indicates that a population of 865 in this local authority area will generate a demand for 0.06 sports halls (**£157,558.00**), 0.04 swimming pools (**£174,846.00**), and 0.01 rinks in an indoor bowls centre (**£5,574.00**).

Open Space:

- Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, allotments, a community orchard, play areas and trim trail. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.

Healthcare:

- Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£452,200.00**).
- The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be **£135,226.00**.

Highways and Transportation:

- Bus stops: Prior to any occupation the provision of new bus stops on the through road between Walden Road and Newmarket Road shall comprise of (but not limited to) the following facilities: shelters, seating, raised kerbs, bus stop markings, pole, flag and timetable information.
- A financial contribution of **£1,075,000** to fund improvements to enhance bus services between the development and local amenities and/or key towns to improve frequency, quality and geographic cover of bus routes serving the site.
- A financial contribution **£220,000** provided to Stagecoach for year 1 prior to the construction of the 75th dwelling or 2 years whichever is soonest and then **£110,000** for the following 6 months.
- The spine road complete prior to the construction of the 75th dwelling to enable the bus to divert through the site.
- A free month bus pass for residents which is currently **£98**, and they would match a free month, so residents get 2 months free travel.

- Residential Travel Plans. The residential travel plan shall be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 5 years after final occupation. It shall be accompanied by an annual monitoring fee of **£1596.00** per annum (index linked), to be paid to Essex County Council.
- Great Chesterford Cycle Route – A financial contribution to support the delivery of the proposed Great Chesterford Cycle Route Scheme. (Sum to be agreed).

Community Centre & Shop/Retail Unit:

- The provision of an on-site building to contain a shop/retail unit (100 square meters floor area) and its future management.
- Great Chesterford Community Centre – Financial contributions towards extension/improvements to the community centre if required (details to be agreed).

Other:

- Payment of the council's reasonable legal costs.
- Payment of monitoring fee.

14.17.3 No legal mechanism exists by the way of a Section 106 Agreement or by way of a unilateral undertaking to secure the above identified obligations to mitigate the harm arising as a result of the proposed scheme has been submitted in support of the application. The proposed development thereby is contrary to Policies H9, LC3, ENV3 GEN1 and GEN6 of the Uttlesford Local Plan (Adopted 2005).

14.18 P) Other Issues

14.18.1 Energy and Sustainability:

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

14.18.3 The Sustainability Statement accompanying the application sets out the sustainability measures incorporated at this outline application stage as well as those considerations to be made at the detailed design stages with particular focus towards delivery of low carbon homes.

14.18.4 In summary the range of design measures the development aims to achieve include:

- Utilising sustainable materials in the building design to reduce the environmental impacts of construction.
- Buildings designed to reduce carbon emissions meeting the requirements, delivering at least 75% reduction in carbon emissions beyond Part L 2013 through a range of fabric, energy efficiency and low carbon renewable energy measures.
- Orientation and design of homes to allow the installation of Solar PV on all homes.
- Design which aims to optimise natural daylight.
- Specification of water efficient fittings to reduce water consumption to 110 litres per person per day in line with the government's higher water efficiency standard.
- Providing EV charging infrastructure for dwellings.
- Incorporating high efficiency lighting targeting 100% of all light fittings as low energy lighting.
- Use of high efficiency heating systems appropriate to the building use to reduce energy consumption.
- Installation of Mechanical Ventilation and Heat Recovery.
- Use of Waste Water Heat Recovery systems.

14.18.5 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting, and orientation of the buildings.

14.18.6 However, it should be acknowledged that measures such as Incorporating high efficiency lighting, use of high efficiency heating systems, water control, and requiring EV charging infrastructure for dwellings are all required under the current building regulations. Other measures including the installation of Mechanical Ventilation and Heat Recovery systems are also encourage as part of the building regulations.

14.18.7 The Applicant suggests that the development is Net Zero Ready. This means the development would deliver low carbon housing meeting the requirements of the 2025 Future Homes Standard before they come into force, delivering homes which achieve a 75% carbon reduction beyond the current regulations, which are Net Zero Ready

14.18.8 The 2025 'net zero ready' standard just means that new homes will be heated by electricity rather than fossil fuels. This is so that as and when grid electricity is zero carbon, so will electrically heated homes be. Technically any home without gas or oil is already 'net zero ready'. The Building Regulations are already heavily weighted in favour of electric (Heat Pump) systems as grid electricity is much lower in emissions than gas or oil.

14.18.9 The above commitments by the Applicant meet the Council's corporate Interim Climate Change Planning Policy (2021), however, most of these

would be required as per the current Building Regulations. As such limited positive weight can be given to the additional measures.

14.18.10 Air Quality:

14.18.11 Policy ENV13 'Exposure to poor air quality' seeks to protect users (occupiers) from extended long-term exposure from the M11 corridor amongst other issues.

14.18.12 The air quality assessment by RSK concludes that there will be negligible impact from the M11, the site being located 170m at its closest point and well beyond the 100m 'exclusion' zone measured from the centre of the carriageway.

14.18.13 having regard to the potential level of increased traffic movements through the AQMA of Saffron Walden, the assessment has considered the construction impacts and the operational impacts of the development, using the predicted number of daily trips set out in the Transport Assessment. The associated impact upon the AQMA would be negligible at all receptor locations.

14.18.14 The overall impact in terms of air quality issues is neutral and this is confirmed by the Council's Environmental Health Officer who raised no objections in respect to air quality.

14.18.15 Potential Extension to Community Centre:

14.18.16 As part of the community consultation prior to the submission of the application, the Applicant confirms that they met with Trustees of the Great Chesterford Community Centre 22nd August 2022.

14.18.17 It was within this meeting that the Trust explained to the Applicant that Chesterfords Community Centre would be looking at a future extension to the existing Community Centre building in order to accommodate the increased demand due to a much larger village population from this proposed development and also the cumulative effect from the proposed housing developments on London Road.

14.18.18 As such, the Applicant has suggested that they are willing to provide a financial contribution to the extension/improvements to the community centre if this is required subject to the Trust providing a feasibility study to demonstrate the additional need and expansion.

14.18.19 Subsequently, the Trust commissioned the original Architect, BCR-Infinity Architects, to develop a feasibility study, together with a detailed cost plan for three different options to extend the building.

14.18.20 The Applicant has confirmed in their draft Head of Terms contained in the Planning Statement that they are willing to provide contributions towards extension/improvements to the community centre, however the

final details would need to be agreed. If such a contribution was secured, this would result in moderate positive benefits in favour of the proposals.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. PLANNING BALANCE AND CONCLUSION

16.1 Although the Uttlesford District Council can demonstrate a 5-year housing land supply, there is currently no up-to-date Local Plan.

16.2 As a consequence, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless 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.

- 16.3** Benefits of the development:
- 16.4** The development would result the delivery of up to 350 dwellings. The Council can demonstrate a 5-year housing land supply although it is acknowledged that this is marginal and just over the required supply being 5.14 years. The number of dwellings proposed would make a meaningful contribution to maintaining the supply of housing locally.
- 16.5** It could also start delivering units in the next 6 years based on the time limits as set out by the Applicant. Therefore, the benefit of general housing delivery is given **limited to moderate positive weight**.
- 16.6** The development would provide up to 140 affordable housing units based on a 40% requirement Policy H9 and the terms of the S106. While this level of provision is a policy requirement, **significant positive weight** can be afforded to the delivery of affordable housing.
- 16.7** The delivery of 10 plots for custom/self-build residential units has been considered to provide **moderate positive weight**.
- 16.8** The development would secure investment and employment at the construction phase, to benefit local people and businesses. An increase in demand for council services from occupants of the development might offset any benefits from increased council tax receipts, but there would also be more expenditure in local services and facilities from new residents. Therefore, the economic benefits of the development carry **moderate positive weight**.
- 16.9** One of the related main benefits that this specific development would provide through the Heritage Park is a better appreciation of the heritage assets and improvements in their setting through the proposed Heritage Park including interpretation boards and trails. This will open the opportunities to understand the significance of the heritage assets which would benefit the new residents as well as the existing residents of Great Chesterford. This public benefit is afforded **moderate positive weight**.
- 16.10** The forecast level of biodiversity net gain would be greater than any current development plan or legal target and would result in ecological enhancements. The provision of public open space and play facilities would benefit the wider community as well as new residents and in the case of public open space could go beyond the Council's minimum requirements based on the illustrative masterplans. These benefits can be afforded **moderate positive weight**.
- 16.11** Improvements to on-site drainage represent a **moderate positive weight** although are largely designed in response to the proposed development rather than explicitly addressing an existing issue.
- 16.12** The provision of future bus links through the site, upgrades to existing and new bus stops would enhance and encourage people to use

sustainable modes of transport. Therefore, **moderate positive weight** can be afforded to this benefit.

16.13 It is acknowledged that some of the proposed off-site highway improvements are required to mitigate the impacts of the development. However, there are some additional upgrades and improvements to the existing public path network that offer a betterment can be given **limited positive weight**.

16.14 **Limited Positive weight** has been given to the commitments towards achieving the optimum use of energy conservation and efficiency measures beyond the requirements of that stipulated within the Council's corporate Interim Climate Change Planning Policy (2021).

16.15 Adverse impacts of the development:

16.16 The development would have a **significant negative effect** on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the NPPF. It would have a **significant negative effect** on visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area.

16.17 For the reasons outline in this report it has been concluded that the setting of the scheduled monuments Roman fort, Roman town, Roman and Anglo-Saxon cemeteries, and the Romano-Celtic temple would result in "severe/significant harm" on the spectrum of 'less than substantial harm'. This harm has a **significant negative weight**.

16.18 The proposed development would result in the permanent loss of 31.16 hectares of cultivated land area that is defined as the Best and Most Versatile (BMV) agricultural land Grade 2. The development would have a **moderate negative effect** on the provision of agricultural land and result in some conflict with Policy ENV5.

16.19 Neutral Factors:

16.20 All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include neighbouring amenity, noise, air quality, ground conditions, and arboriculture.

16.21 Summary:

16.22 It is acknowledged that the 'tilted balance' identified within the Framework is engaged. In the case of this application, this means granting planning permission unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

16.23 Overall, it is considered that the harm to the openness and character of the countryside, and upon the heritage assets from the proposal significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole.

16.24 The proposals are contrary to Policies S7, ENV4, and GEN6 of the Uttlesford District Local Plan 2005 (as Adopted), policies GLCNP/1, GLCNP/2, GLCNP/4a, GLCNP/4b and GLCNP/5 of the Great and Little Chesterford Neighbourhood Plan and the National Planning Policy Framework. It is therefore recommended that the application be refused subject to the following reasons of refusal.

17. REASONS FOR REFUSAL

1 The application site lies outside the defined settlement development limits of any village or town as defined by the Uttlesford District Local Plan as Adopted (2005) and is thereby located within the countryside. The proposal would introduce a sizeable new development to an area of open countryside to the north of the village of Great Chesterford. The proposals by reason of its sitting, size and scale would have an unacceptable harmful impact upon the rural character and appearance of the area. There is no substantive justification for the proposal specifically relating to the developments needs to take place there or being appropriate in the countryside.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to the scheme would not comply with to the advice in paragraphs 174(b) and 130(c), Policy S7 of the Uttlesford District Local Plan (as adopted) and Policies GLCNP/1, GLCNP/2, GLCNP/4a, and GLCNP/4b of the Great and Little Chesterford Neighbourhood Plan.

2 Two Ancient Schedule Monuments lie either within or in close proximity of the application site. The first of these being the 'Roman fort, Roman town, Roman and Anglo-Saxon Romano-Celtic temple cemeteries' and the second being 'Romano-Celtic temple'.

The Local Planning Authority has a duty under Section 66(1) 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

The proposed development by way of the construction of 350 dwellings alongside associated works would result in 'less than substantial harm' which is 'significant' on the spectrum of harm. The development would

fundamentally change the setting of the scheduled monuments from a rural to an urban context and by way they are experienced and appreciated in the landscape, in terms of proposals proximity, location, scale and prominence in relation to the scheduled monuments. The proposed development would also harm the way the two monuments are experienced and appreciated together in the landscape, which makes a major contribution to their significance.

Having regard to the guidance in Paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the setting of the designated heritage asset. The proposals are thereby contrary to paragraph 202 of the National Planning Policy Framework, Policy ENV4 of the Uttlesford District Local Plan and Policy GLCNP/5 of the Great Chesterford Neighbourhood Plan.

- 3 The proposed development would trigger the requirement to secure on and off-site works and financial contributions by way of obligations to mitigate the harm arising as a result of the proposals through the provision of a Section 106 Agreement.

No legal mechanism exists by the way of a Section 106 agreement or by way of a Unilateral Undertaking to secure the identified obligations to mitigate the harm arising as a result of the proposals has been submitted in support of the application. The proposed development thereby is contrary to Policies H9, LC3, ENV3, GEN1 and GEN6 of the Uttlesford Local Plan (Adopted 2005) and paragraphs 55 and 57 of the National Planning Policy Framework.

Statutory Consultee Responses

Highways Agency



**National Highways Planning Response (NHPR 22-12)
Formal Recommendation to an Application for Planning Permission**

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

To: Uttlesford District Council
planning@uttlesford.gov.uk FAO, Lindsay Trevillian

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

Council's Reference: UTT/22/2997/OP

Location: Land between Walden Road and Newmarket Road, Walden Road, Great Chesterford, Essex.

Proposal: Outline planning application (with all matters reserved except for means of access from Walden Road and Newmarket Road) for residential development of up to 350 dwellings, including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of shop and café floorspace (Use Class E/F), sustainable urban drainage system and associated infrastructure.

National Highways Ref: 96838

Referring to the consultation on a planning application dated 24 November 2022, referenced above, in the vicinity of the M11 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

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

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

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

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

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningEE@nationalhighways.co.uk.

Signature:	Date: 29 August 2023
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

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

Recommended No Objection

National Highways offer no objection.

Reason:

Within the vicinity of the proposed development, the primary junction of interest to National Highways is the M11 Junction 9A.

After our last response, the agent provided additional material to review. National Highway's framework consultant, AECOM has completed their review on our behalf. It is noted that the "Covid factor" has now been applied to M11 Junction 9a western roundabout, which has been calculated and a summary of the modelling results were checked and reviewed.

While the figures suggest that the A1301 east arm, which is located between the two roundabouts linked to the M11, could be exceeding capacity as a result of the development, it is noted that the link between the two roundabouts is approximately 150m long and could therefore accommodate the predicted queue of 13 PCUs (approximately 75m), with minimal risk that it would tail back to, and affect the operation of, the other roundabout at M11 J9a.

National Highways are now content that there will be no significant capacity impacts on the SRN because of this development. Therefore, we are in a position to withdraw our existing holding recommendation and recommend no objection instead.

Informative:

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve Net Zero Carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

ECC Highways Authority

Your Ref: UTT/22/2997/OP
Our Ref: HT/SD/RMc/55122
Date: 17/10/2023



CC (by email): Cllr Gadd
Essex Highways Development Management

Paul Crick
Director of Highways and Transportation

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

County Hall
Chelmsford
Essex
CM1 1QH

Recommendation

Application No.	UTT/22/2997/OP
Applicant	Catesby Promotions Ltd Orchard House Papple Close Houlton Rugby CV23 1EW
Site Location	Land Between Walden Road And Newmarket Road Great Chesterford Essex
Proposal	Outline planning application (with all matters reserved excepted for means of access from Walden Road and Newmarket Road) for residential development of up to 350 dwellings, including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of shop and café floorspace (Use Class E/F), sustainable urban drainage system and associated infrastructure

This application was accompanied by a Transport Assessment (reference DN/SC/22400-04a dated 17/10/2022), a Highways Technical Note (reference DN/SC/22400-06a dated 28/04/2023) and a Transport Addendum (reference DN/SC/22400-11 dated 18/09/2023) which have 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 2023 and 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/obligations:

1. **Construction Management Plan:** 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,
 - f. before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the

developer expense where caused by developer

Reason: to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011

2. **Bus service contribution:** prior to first occupation, payment of a financial contribution of £537,500 (indexed from the date of this recommendation) and an additional financial contribution on the first anniversary of that payment of £537,500 (indexed from the date of this recommendation) to ensure a total of £1,075,000 is secured to fund improvements to a new or enhanced bus service between the development, the village centre, Great Chesterford railway station, along London Road into Saffron Walden town centre, hospital and supermarkets.

Reason: to improve the accessibility of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

3. **Bus through-route:** prior to first occupation, provision of a through route serviceable by buses with a minimum width of 6.75m between Walden Road and Newmarket Road. The design of which to be determined as part of the reserved matters application with reference to the Essex Design Guide.

Reason: to improve the accessibility of the development by bus and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

4. **Bus stops:** prior to first occupation, provision of new bus stops on the above-mentioned through-route or within the vicinity of the site to ensure that all dwellings are within 400m walking distance of a bus stop. Bus stop facilities may include, but not be limited to, raised kerbs, shelters with seating, poles, flags, real-time passenger information displays and bus cages and provision should be made to cover the commuted maintenance sums and energy costs for a period of 15 years.

Reason: to improve the accessibility of the development by bus and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

5. **Parking:** the design and quantum of car and cycle parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013, details to be submitted and approved as part of the reserved matters application

Reason: to ensure that appropriate parking is provided in the interests of highway safety and efficiency and to promote sustainable development and transport in accordance with policies DM8 and DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

6. **Walden Road (B184) access:** prior to occupation, the access roundabout, as shown indicatively on DTA drawing no. 22400-03 Rev C, shall be constructed and retained at all times thereafter, including carriageway width of 6.75m and a footway minimum width 2m.

Reason: to ensure that vehicles, pedestrians and cyclists can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. **Walden Road (B184) off-site highway works:** prior to occupation, the following highway works will be provided entirely at the developer's expense:
- provision of a 2m wide footway or 3m wide shared footway/cycleway (subject to land availability, road safety audit and detailed design) from the new Walden Road access roundabout south to the junction with Jacksons Lane to tie into existing provision, as shown indicatively on DTA drawing no. 22400-08a Rev A
 - provision of 2m wide footways and dropped kerb pedestrian crossing points (across Walden Road) at the junction of Walden Road/High Street/Cow Lane, as shown indicatively on DTA drawing no. 22400-04 Rev A
 - provision of a 2m wide footway at the new Walden Road access roundabout to provide for pedestrians travelling to Park Road, as shown indicatively on DTA drawing no. 22400-03 Rev C

Reason: to improve the accessibility of the development and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

8. **Newmarket Road (B1383) access:** prior to occupation, the site access shown indicatively on DTA drawing no. 22400-01-1 Rev D shall be constructed and retained at all times thereafter. The access road shall have a carriageway of minimum width 6.75m, one footway (to the north) of minimum 2m width, one shared cycleway/footway (to the south) of minimum 3m width, dropped kerb pedestrian crossing facility and clear-to-ground visibility splays, with dimensions of 2.4m by 163m to the north and 2.4m by 153m to the south, as measured from and along the nearside edge of the carriageway shall be provided and retained free of any obstruction at all times thereafter

Reason: To ensure that vehicles, pedestrians and cyclists can enter and leave the highway in a controlled manner 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. **Newmarket Road (B1383) off-site highway works:** prior to occupation, the following highway works will be provided entirely at the developer's expense:
- provision of a minimum 3m wide shared footway/cycleway from the new Newmarket Road access south to the junction with Carmen Street, as shown indicatively on DTA drawing no. 22400-01-1 Rev D
 - provision of a minimum 2m wide footway along Carmen Street for a distance of approximately 150m to tie-in to existing provision, as shown indicatively on DTA drawing no. 22400-01-1 Rev D
 - provision of a 3m wide shared footway/cycleway along Newmarket Road south of Church Street to tie into committed works to the south, as shown indicatively on DTA drawing no. 22400-07 Rev A
 - conduct a review of the speed limit along Newmarket Road (B1383) as part of the detailed design process for the highway works package, and if required, undertake the work/cover all costs incurred in developing and implementing the relocation of the 30mph speed limit from its current location to a position north of the new Newmarket Road access, including, but not limited to, provision of new village gateway features and signage and removal of redundant signage as required

Reason: to improve the accessibility of the development and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

10. **Public Rights of Way:** The public's rights and ease of passage over public footpath 12 (Great Chesterford 17) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. **Residential Travel Plan:** prior to first occupation, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,690 (indexed from the date of this recommendation).

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

12. **Residential Travel Information Packs:** prior to first occupation, 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 one months' free bus pass for residents)

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

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 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
- (ii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. 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.

- (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) 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
- (vi) Electric vehicle charging points should be provided in accordance with the policy in the Uttlesford Draft Local Plan.



.....
pp. Director of Highways and Transportation
Enquiries to
Email: rachel.mckeown@essex.gov.uk
Internet: www.essex.gov.uk

ECC Flooding Authority

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



Lindsay Trevillian
Uttlesford District Council
Planning Services

Date: 21 March 2023
Our Ref: SUDS-006420
Your Ref: UTT/22/2997/OP

Dear Ms Trevillian,

Consultation Response –UTT/22/2997/OP - Land Between Walden Road And Newmarket Road Great Chesterford Essex

Thank you for your email received on 16 March 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 **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:

- Limiting discharge rates to 3.46l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with

the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.

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

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

Reason

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

Condition 2

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

Reason

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline

approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

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

Yours sincerely,

Alison Vaughan, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage
 Service: Climate Action and Mitigation
 Essex County Council

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

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

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

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

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

- Sustainability of the development

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

Environmental Agency

From: EastAnglia, Planning <Planning.EastAnglia@environment-agency.gov.uk>
Sent: 10 May 2023 11:44
To: Planning <planning@uttlesford.gov.uk>
Subject: [External] RE: URGENT RESPONSE REQUESTED - UTT/22/2997/OP - Land Between Walden Road and Newmarket Road, Great Chesterford, Essex

Good morning,

Thank you for your email.

This application was screened out as in-appropriate. Therefore this would not receive a formal response from us.

It was determined that, when reviewing the location plan document and illustrative master plan, all build development would be within flood zone 1 and with no other constraints present we would not provide a formal consultation as this does not fall without our remit. I have attached our DMPO checklist as well as our flood risk standing advice. This development specifically falls into point 2 of the NFRSA, leading to point 12 of the LFRSA and therefore advice point 9.

Kind regards,

Harry Skinner
Sustainable Places Planning Advisor | East Anglia area
Environment Agency | Icen House, Cobham Road, Ipswich, Suffolk IP3 3JD

Harry.Skinner@environment-agency.gov.uk



Mr Lindsay Trevillian
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582769

Our ref: P01552715

Date: 17 February 2023

Dear Mr Trevillian

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**Land Between Walden Road And Newmarket Road, Great Chesterford, Essex
Application No. UTT/22/2997/OP**

Summary

The application site comprises an open greenfield site c.30ha. in size on the north side of Great Chesterford. It lies in an exceedingly rich and sensitive area of historic landscape, immediately to the north, and including part, of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' (LEN 1013484). There is a further scheduled monument known as 'Romano-Celtic temple 400m south of Dell's Farm' (LEN 1017453) located less than 500m to the east of the application site.

At the request of the Local Planning Authority (dated 2 February 2023), we have provided this further clarification of our position relating to the application and in relation to the setting of the scheduled monuments, the impact of the proposed development and in terms of the level of harm to the significance of the monuments.

We consider the rural landscape setting of the monuments makes a major contribution to their significance. We consider the proposed development, that is located within the setting of both monuments, would have a detrimental impact on their setting. We consider this to be harmful to the significance of these scheduled monuments.

Placing this in terms of the National Planning Policy Framework (NPPF), we have concluded this would be a severe level of harm, but less than substantial. This harm would be a very considerable disbenefit.

We have considered the proposed mitigation in the form of the conservation management plan. We do not believe this is a sufficient heritage benefit to offset the harm that we have identified.



We have reviewed our position in light of your request for further information. Following this, we confirm our position and continue to recommend refusal and formally object to this application.

Introduction

The 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' is a large and complex multi-period scheduled monument, in three parts over 20ha. in total size on the northern edge of Great Chesterford.

The application site is located to the north and east of the scheduled monument and it includes the smallest of the three scheduled parts that make up the Roman fort (1.47ha. in size). The proposed residential development would not extend into the scheduled monument and this would be retained as open space under a conservation management plan.

There is a further scheduled monument known as 'Romano-Celtic temple 400m south of Dell's Farm' (LEN 1017453), 1.18ha. in size, which is located 850m to the east of the scheduled fort.

These two scheduled monuments are heritage assets of the highest significance and they are of particular historical and archaeological importance. The different elements of occupation combine to offer a unique insight into the social, political, military and religious life in late prehistory and during the first seven hundred years AD in this part of south-east England.

We have considered this application in accordance with the approach set out in the guidance, and our position relating to the application and in relation to the setting of the scheduled monuments is set out below. This should be read together with our previous advice to the Local Planning Authority (dated 5 December 2022 and 30 January 2023).

Historic England Advice

Significance of the historic environment

The scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' has been recognised as an important archaeological site for over 400 years, since the antiquarian William Camden wrote about Great Chesterford in the first detailed survey of Britain and Ireland, *Britannia*, of 1610.

The 18th century antiquarian William Stukeley also visited Great Chesterford in 1719 and produced an illustration of the Roman town. The Roman town was in great part



under cultivation at the time and Stukeley described a cropmark of the '*perfect vestigia of a temple*', caused by the parching and poorer growth of the crop along the ancient wall-foundations. The observation at Great Chesterford ranks among the earliest identification of archaeological cropmarks, now a commonplace technique for detecting buried archaeological remains through air photography.

Numerous excavations have taken place since the mid-19th century and the results have revealed a site of considerable complexity. A detailed monograph was published on the investigations at Great Chesterford in 2011¹.

The Roman fort at Great Chesterford is one of the very rare examples of its type in the south-east of England and it is one of only four in Essex. As one of a small group of Roman military monuments, which are important in representing army strategy and therefore government policy, forts are of particular significance to our understanding of the Roman period.

The construction of a fort, and subsequent Roman town, at this location in the 1st century AD was highly strategic – and relates to the topographical significance of this location from, at least, late prehistory onwards.

The location of the fort, in the valley of the River Cam, meant the entrance to the Cambridgeshire Fens, to the north, could be commanded through the gap in the low chalk hills. Consequently, the fort occupied an important strategic location in the landscape, from which the movement of people and goods could be managed.

The significance of this location, therefore, would have been evident to any Roman military commander. The land around the scheduled monument, and especially the remaining open land to the north - the location of the proposed development – is, therefore, particularly important for understanding and also appreciating the siting of the fort in the wider landscape.

The location also commanded a number of significant route-ways with likely prehistoric origins, leading from the higher ground to the south down to the Fens to the north. In particular, Great Chesterford was the crossing point of the River Cam by the Icknield Way, one of the earliest and most important late prehistoric routeways in the country, that connected Norfolk and Wiltshire.

These factors appear to have first found expression in the construction of a late Iron Age settlement, with hints of high-status inhabitants, along with a shrine of the same period. This location also appears to have marked the tribal boundary between two Iron Age tribes: the Trinovantes to the north-east and the Catuvellauni to the south-west.



The Roman fort was deliberately dismantled and incorporated into a substantial enclosed, and later defended, town. The town was surrounded by cemeteries, industrial areas and suburbs. The establishment of the Roman town on the site of the early fort is itself a matter of great interest and illustrates the continuity between military and civilian rule in the Roman period.

Great Chesterford may have assumed an even greater strategic significance as a late Roman centre of administration, which culminated in the construction of town walls in the 4th century. A masonry wall, still visible in the mid-18th century, enclosed an area of c.14.5ha. Great Chesterford was also the only Roman town in Essex of this date to have been provided with a wall apart from Colchester, which further indicates the significance of the town during this period.

Exceptionally, large areas of the Roman fort and town survive as well-preserved archaeological remains undamaged by later development; these were scheduled in 1951. This is a very rare feature and many Roman towns have undergone continuous settlement, resulting in damage and disturbance, up to the present day. This hasn't occurred at Great Chesterford because the medieval (and modern) settlement developed to the south-east of the Roman fort and town, and the Roman remains have, by and large, not been built over.

The survival of Roman cemeteries in close association with the town, also undamaged by later development, provides the opportunity to study the individuals who occupied the fort and settled in the town, giving direct evidence of diet and disease as well as other demographic information.

Recent investigation suggests that occupation existed in a wider area than is covered by the scheduling. Geophysical survey and archaeological trial-trenched evaluation (to inform this planning application) to the north and north-east of the scheduled monument, has defined further extra-mural settlement and occupation within the application site. This included the remains of a prehistoric routeway (Holloway D in the evaluation report) that is potentially one line of the Icknield Way, aligned NE to SW across the site. To the east of the bowling green, and directly south of the application site, further Roman burials have been uncovered.

In this regard, the non-designated archaeological remains defined within the application site are clearly part of the same archaeological complex as the scheduled monument. Therefore, these should be considered subject to the policies for designated heritage assets in accordance with NPPF footnote 68.

The presence of a large pagan Anglo-Saxon cemetery on the north side of the Roman town is also of great significance and offers important insights into the continued settlement and status of the site in the immediate post Roman period. This is situated to the west of the B1383 Newmarket Road, directly opposite the application site, and also part of the scheduled monument.

The existence of a large Anglo-Saxon cemetery demonstrates the continued importance of the place during the formative years of the English kingdoms, a period of astonishing political, economic and cultural changes following the end of the Roman Britain – the so-called 'Dark Ages'.

Again, this is one of only a very small number of Anglo-Saxon cemeteries to be scheduled in the country. A detailed monograph was published of c.200 Anglo-Saxon burials excavated during the 1950s at Great Chesterford in 1994².

During the Roman period, the major focus of religious observance was located c.800m to the east of the Roman fort and settlement, on the site of an earlier shrine that served the late Iron Age community. This is the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'.

The Roman temple is a nationally rare feature in its own right. It is also exceptionally unusual to find one surviving in close proximity to a well-preserved town, to which it quite clearly served, and within an open and undeveloped landscape setting.

The Roman temple is situated on rising ground within a side valley that slopes gently upwards and eastwards, away from the River Cam. The temple would have been a prominent reference in the landscape, commanding long views out across the valley and towards the Roman town – and also from the earlier Iron Age shrine to its contemporary settlement, in a similar topographic location to the Roman settlement.

Significantly, and intriguingly, this particular spatial relationship – the separation of ritual and secular space – represents a continuity from the Iron Age period. These monuments have a particular spatial arrangement, and separation, in the landscape. They are deliberately set some distance apart and they would have been linked by the creation of views that were designed to have a particular, and no doubt powerful, effect on the population. These provide important information for the understanding of this period, and the relationship with the earlier occupation and use of space.

Consideration of the contribution of setting to the significance of the scheduled monuments

The two scheduled monuments form part of a fascinating, complex and multi-layered historic landscape at Great Chesterford. The use, and importance, of space, on a landscape scale, is critical to the significance and understanding of the scheduled monuments and in shaping their appreciation and understanding today. Both monuments, therefore, draw a considerable amount of significance from how they are experienced, and experienced together, in the landscape.



Although the monuments are no longer visible as earthworks or above ground remains, they still retain a landscape setting and context – the surroundings in which an asset is experienced. This is in accordance with the approach set out in Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets.

The setting of the scheduled monuments makes a strong positive contribution to their significance. Like other examples of their type in this part of England, the scheduled monuments were constructed in the rural landscape. Whilst field boundaries and roads in this vicinity have changed over time and development has taken place to the south of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford, the fundamental agrarian land use in the vicinity of both the scheduled monuments has remained.

Their shared setting is of rural character, made up of large open agricultural areas. This provides the historic context of these scheduled monuments. Indeed, William Camden commented on the surroundings of the Roman settlement in 1719. He wrote, '*The fieldes heere on every side (as I said) smell sweetly*'. We can assume that he was also referring – at least in part - to the application site given that the area to the south of the Roman settlement was already occupied by the later, historic settlement of Great Chesterford, now the Conservation Area.

The open and rural setting of both scheduled monuments makes a major positive contribution to their significance, in terms of appearance and ambience, and the monuments draw a considerable amount of significance from how they are experienced, and how they relate to each other, in the rural landscape.

Notwithstanding the built development in the vicinity, including development to the south of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford', as well as the railway and A11 to the west, and historic gravel extraction to the west, we consider that the scheduled monuments can be (still) readily appreciated and experienced in terms of the visual and historical functional links. The undeveloped grain of the surrounding landscape character, as part of their setting, makes a major contribution to the significance of both, and how they are experienced and appreciated.

The landscape character provides a strong sense of open space, with long, uninterrupted views to the north and east of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford', that enables the strategic nature of the scheduled monument's location, and its place in the landscape, to be readily experienced and appreciated. We consider this is critical to the setting of the monument and critical to how the monument's strategic position is experienced and appreciated.

The scheduled 'Romano-Celtic temple 400m south of Dell's Farm' also draws a considerable amount of significance from how it is experienced in the landscape, with long open rural views to the west and towards the scheduled Roman fort and town.

The spatial relationship of these scheduled monuments to each other in the rural landscape is a very rare survival. The visual and functional links of these sites, and the rare survival of this relationship, adds to the significance of both within the wider historic landscape.

Impact of the proposals on the historic environment

The application site is a very large parcel of land that rises gently away from, and to the north and east of, the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford'. This comprises open, cultivated fields, extending from the B1383 Newmarket Road to the B184 Walden Road, nearly 600m wide E to W.

We consider the land to the north and east of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford', that is the application site, forms a key part of the context or setting of this monument.

The proposed development would introduce residential development on the previously undeveloped north and east side of the scheduled monument. It would also significantly increase the quantum of development around the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford'.

We note the provision of open space (heritage park) between the edge (and including part) of the scheduled monument and the residential development to north. In our view, however, the open space does not ameliorate the scheme. We consider the proposed construction of 350 new dwellings to the north and east of it would fundamentally change the setting of the scheduled monument from a rural to an urban context.

This is because a significant amount of development has been proposed - in the form of new roads, dwellings, swales/ponds and associated landscaping and planting. The activity associated with these – for example, lighting, vehicle movement, and noise – would also detract from the current rural character of the setting. We consider this activity would be unmitigable in any meaningful way.

The proposed access road into the development from the west, off the B1383 Newmarket Road, would be located less than 50m to the north of that part of the scheduled monument within the application site. It would be even closer to the area of equivalent heritage significance covering the extra-mural occupation and settlement around the fort, defined by the applicant's archaeological assessment.

The location of this proposed access, and also the residential development, would be located directly opposite that part of the scheduled monument on the west side of the B1383 Newmarket Road.

The southern edge of the proposed residential development would be located a short distance to the north of the proposed access road, and would extend continuously over 500m wide E to W on the skyline to the B184 Walden Road, with the exception of a narrow NE to SW aligned gap on the line of the late prehistoric routeway defined by the evaluation.

The loss of the rural landscape to the north of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' and change of its character, from an open rural landscape to a built environment, would in our view be dramatic.

The proposed development would be visually intrusive because it occupies a prominent position within the setting of the scheduled monument that enables its strategic location in the landscape to be readily appreciated. It would, therefore, harm the way the it is experienced and appreciated in the landscape, in terms of proximity, location, scale and prominence of the proposed development in relation to the monument.

From an open and rural landscape that has existed since late prehistory, it would change to one of built urban form, with new surroundings that would be intrusive and alien. The change would lead to a sustained level of permanent and residual harm.

The development would also effectively sandwich the monument between the existing and historic settlement to the south and new residential development to the north. From being situated on the edge of Great Chesterford, where it's strategic location can be readily appreciated, the quantum of the proposed new development on the north side would place the scheduled monument in the centre of the settlement.

The proposed residential development would be located to the west and north-west of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. The new access road into the residential development, on the east side, would lead off a new roundabout constructed on the B184 Walden Road, less than 500m to the west of the monument across a large open field. The new development would be located beyond this, to the west and north-west of the scheduled temple and across towards the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford'.

We consider the proposed development would harm the significance of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. The proposed development would intrude into the views from the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. It would harm how this monument is experienced in the rural landscape. The change would lead to a sustained level of permanent and residual harm.

The proposed development would also harm the way the two monuments are experienced and appreciated together in the landscape, which makes a major contribution to their significance. This is because the proposed development would

introduce a large quantum of new built urban form into their setting, and between the monuments, which has been an open rural landscape since late prehistory. Again, the change would lead to a sustained level of permanent and residual harm.

Additional policy considerations for this proposal

We have already provided the legislative and policy considerations for this proposal in our advice to the Local Planning Authority dated 5 December 2022. This letter should be read together with our previous advice.

The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting.

Historic England's Historic Environment Good Practice Advice in Planning Note 3 (2017) provides detailed information for the assessment of setting of heritage assets: *Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets*.

This guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.

Historic England's position

In determining the degree of harm which the proposed residential development would cause, we have considered the significance of the scheduled monuments, and considered the contribution the setting makes to their significance and understanding. Our assessment demonstrates the open and rural setting of both scheduled monuments makes a major positive contribution to their significance. We have also

established that the proposed development site is prominently located within the setting of both scheduled monuments.

In our view, the proposed development would fail to preserve the settings of the scheduled monuments. It would dramatically change the open and wide rural landscape setting in which both monuments are experienced and in which they can be readily appreciated today – and which was so important to their original and strategic siting in the landscape.

We consider that the proposed development would introduce an urbanising influence into the open, rural setting to the north and east of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' and to the west of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'.

Placing this in terms of the National Planning Policy Framework (NPPF), we have concluded this would be a severe level of harm, but less than substantial. This harm would be a very considerable disbenefit.

We do not believe the harm we have identified can be mitigated through, for example, specific (re-) siting of dwellings, infrastructure, new landscaping and/or planting and screening to mitigate the negative impacts that we have identified. In addition, we do not believe the design of the development is capable of sufficient adjustment to avoid or significantly reduce the harm.

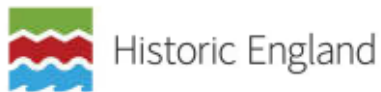
Conclusion

Historic England has serious concerns about this proposed development in relation to impact on the significance of two scheduled monuments, 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' and to the west of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'.

We consider the proposed development would irrevocably alter the openness of the rural landscape setting of the scheduled monuments, that plays a major contribution towards the significance and understanding of these monuments. This would, in our view, result in severe less than substantial harm to the significance of these monuments.

We do not believe that the design, layout, density and planting within the proposal would serve to mitigate its effects. Moreover, we do not believe the design of the development is capable of sufficient adjustment to avoid or significantly reduce the harm that we have identified.

We have also considered the proposed mitigation in the form of the conservation management plan for that part of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' within the application site that is c.7% of the total scheduled



monument. We do not believe this is a sufficient heritage benefit to offset the harm that we have identified.

Despite more recent development around Great Chesterford and in neighbouring parts of Cambridgeshire, the integrity of the landscape on this side of the settlement remains relatively intact and we consider this location is particularly sensitive to change. It should, in our view, remain undeveloped to protect the setting and significance of these scheduled monuments.

Historic England considers that the limited contribution of this development would make to the Council's housing targets (2.5%), the indication within the NPPF that impacts can be unacceptable, and the NPPF's promotion of a strategic approach to the provision of new development, raise questions about the justification for this proposal.

We consider other locations in Uttlesford should be identified to undertake development of this type and scale, without harm to these scheduled monuments (or other highly graded heritage assets importance) or other unacceptable or adverse impacts.

We have reviewed our position and, following this, we confirm our position and continue to recommend refusal and formally object to this application.

Please contact me if we can be of further assistance.

Yours sincerely,

Dr Jess Tipper MCIfA FSA
Inspector of Ancient Monuments (Essex and Hertfordshire)
Email: Jess.Tipper@HistoricEngland.org.uk

Natural England

Date: 23 May 2023
Our ref: 433141
Your ref: UTT/22/2997/OP



Lindsay Trevillian
Uttlesford District Council

BY EMAIL ONLY

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

T 0300 060 3900

Dear Lindsay Trevillian

Planning consultation: Outline planning application (with all matters reserved except for means of access from Walden Road and Newmarket Road) for residential development of up to 350 dwellings, including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of shop and café floorspace (Use Class E/F), sustainable urban drainage system and associated infrastructure

Location: Land Between Walden Road & Newmarket Road, Great Chesterford, Essex

Thank you for your consultation on the above dated 10 May 2023 which was received by Natural England on 10 May 2023

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

Best and Most Versatile Agricultural Land

FURTHER INFORMATION REQUIRED – Soils Survey

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of national planning policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in Paragraph 174 of the National Planning Policy Framework, Natural England draws your Authority's attention to the following agricultural land quality and soil considerations:

Based on the information provided with the planning application, it appears that the proposed development comprises approximately 30.17 ha of agricultural land, however no Agricultural Land Surveys have been provided to determine how much of the site is classified as BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website.

National planning policy relevant to agricultural land and soils is set out in Paragraph 174 of the National Planning Policy Framework which states that:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:
protecting and enhancing [...] soils (in a manner commensurate with their statutory status or identified quality in the development plan);
recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

Soil is a finite resource which plays an essential role within sustainable ecosystems, supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled.

Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure. Defra has published a [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) which may be helpful when setting planning conditions for development sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed.

The British Society of Soil Science has published the [Guidance Note](#) Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Yours sincerely

Camilla Davidge

Lead Advisor – Land Use Planning
West Anglia Area Team

Sports England

From: Roy Warren <Roy.Warren@sportengland.org>

Sent: 12 December 2022 17:44

To: Planning <planning@uttlesford.gov.uk>

Subject: [External] Planning Application Reference: UTT/22/2997/OP - Land between Walden Road and Newmarket Road, Walden Road, Great Chesterford

For the attention of Lindsay Trevillian

Dear Mr. Trevillian

Planning Application Reference: UTT/22/2997/OP - Land between Walden Road and Newmarket Road, Walden Road, Great Chesterford (Sport England Ref: PA/22/E/UT/63268)

Thank you for consulting Sport England on the above application.

Summary:

An **objection** is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed provision. This position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a planning obligation, as set out in this response.

A planning condition is **requested** requiring details to be submitted and approved which demonstrate how Active Design principles have been considered in the design and layout of reserved matters applications.

Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>.

This application falls within the scope of the above guidance as it relates to a residential development of 300 or more dwellings.

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/>

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

Residential Development: Community Sports Facility Needs

Introduction

I would wish to make comments on the proposals in the application for meeting the community sports facility needs of the proposed residential development. The occupiers of new development, especially residential, will generate demand for community sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new

developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. As advised in paragraph 98 of the NPPF, the level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The proposal comprises an outline planning application for up to 350 dwellings and supporting development on land to the north west of Great Chesterford off Walden Road. The Application Framework and Illustrative Masterplan that have been submitted indicate that a Heritage Park and an area of informal amenity space would be provided to the south of the development. These open spaces are intended for informal recreation, children's play, landscaping, biodiversity and SuDS. No on-site formal open space suitable for playing pitches or games courts for instance is proposed. The population of the proposed development is estimated to be around 865 people based on information provided in the Health Impact Assessment. In this context, I would wish to make the following comments on the community sports provision aspects of the planning application.

Evidence Base

The evidence base for community sport can be summarised as follows:

- Uttlesford Playing Pitch Strategy (2019): Uttlesford District Council's Playing Pitch Strategy <https://www.uttlesford.gov.uk/article/4942/Infrastructure> provides a robust assessment of current and future outdoor community sports facility needs and has identified a range of quantitative and/or qualitative deficiencies across the district including the Rural sub-area where Great Chesterford is located within. The strategy includes an action plan which sets out priorities for addressing the identified needs.
- Uttlesford Indoor Sports Facility Strategy (2019): Uttlesford District Council's Indoor Sports Facility Strategy <https://www.uttlesford.gov.uk/article/4942/Infrastructure> provides a robust assessment of current and future indoor community sports facility needs and has identified a range of quantitative and/or qualitative deficiencies including an undersupply of sports hall and swimming pool provision in the district. The nearest leisure centre, the Lord Butler Fitness and Leisure Centre in Saffron Walden, is already operating close to capacity and will not be able to address additional demand generated by growth. The strategy includes an action plan which sets out priorities for addressing the identified needs.

In view of the local evidence base context, it is considered that in accordance with Government policy in paragraph 98 of the NPPF, a robust local basis exists for justifying the provision of outdoor and indoor community sports facility provision to be made by this development.

Outdoor Sports Provision

Sport England and sports governing bodies prefer large multi-pitch/court sites to be provided in new developments. Operators and users of playing fields, particularly local authorities, leisure trusts and sports clubs generally prefer such sites from a management and sports development perspective and they are more sustainable over a long term period. In view of the expected number of dwellings proposed generating less than a single pitch for every sport, securing a financial contribution towards off-site facilities would be considered appropriate as an alternative to on-site provision on this occasion although opportunities to extend the adjoining Great Chesterford Recreation Ground should be explored if feasible. In paragraph 12.5 of the Planning Statement, reference is made off-site contributions towards sports facilities being made and that the improvement of the facilities on the adjoining recreation ground being appropriate. The principle of using a financial contribution towards improving facilities at Great Chesterford Recreation Ground would be acceptable in principle given that the recreation ground provides for a range of sports (football, cricket, bowls and tennis), adjoins the application site and is the only outdoor sports facility in the local area. However, this approach would be subject to the following pre-requisites:

- The scale of the contribution would need to be appropriate and commensurate with the scale of the development. To assist the Council, an estimate of the demand generated for outdoor sports provision can be provided by Sport England's Playing Pitch Calculator strategic planning tool. Local team data from Uttlesford District Council's Playing Pitch Strategy can be applied to the Playing Pitch Calculator which can then assess the demand generated in pitch equivalents (and the associated costs of delivery) by the population generated in a new residential development. I have used the latest version of the calculator for estimating the demand generated by a new population in Uttlesford district 865 and I attach the EXCEL spreadsheet which provides the full data. In summary for natural turf pitches, this development would generate demand for the equivalent of 0.18 adult football pitches, 0.31 youth football pitches (including 9v9), 0.29 mini soccer pitches, 0.07 rugby union pitches and 0.25 cricket pitches. In relation to artificial grass pitches, the calculator estimates the development generates a demand for 0.03 hockey pitches and 0.04 3G football pitches. The total cost of providing these pitches is currently estimated to be £201,429. In terms of changing room provision to support the use of this pitch demand, the calculator estimates that the total demand generated will be equivalent to 1.48 changing rooms which would currently cost £262,776. Consideration should be given by the Council to using the combined pitch and changing room figures from the Playing Pitch Calculator for informing the level of a financial contribution.

- The contribution would need to be ring fenced for delivering identified outdoor sports facility projects in the local area such as the Great Chesterford Recreation Ground. As well as ensuring that the contribution is used towards delivering appropriate projects in the Great Chesterford area that will make a significant contribution towards meeting local needs, this is also necessary to meet the CIL Regulation 122 requirements. To inform off-site options, discussions should take place with Uttlesford District Council's Leisure team, Great Chesterford Parish Council and the sports governing bodies and reference should also be made to the Council's Playing Pitch Strategy to inform how financial contributions should be used.
- The contribution would need to be index-linked and secured through a planning obligation with arrangements made for securing the contribution and delivering the project(s) that the contributions would be used towards within an appropriate timescale.

Indoor Sports Provision

No specific reference is made in the planning application to how community indoor sports provision would be made to meet the additional needs generated by the development. Sport England's established Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for the principal indoor sports facility types. This tool was used in the Council's Indoor Sports Facility Strategy for estimating future needs associated with population increases. The SFC indicates that a population of 865 in this local authority area will generate a demand for 0.06 sports halls (£157,558), 0.04 swimming pools (£174,846), and 0.01 rinks in an indoor bowls centre (£5,574). The attached WORD document provides more detail of the calculations. Further details of both the Playing Pitch Calculator and the Sports Facilities Calculator are on our website at <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-tools-and-guidance/>.

As indoor sports facilities are strategic facilities that serve large populations and as the population generated by the proposed development in isolation would not be sufficient to justify the provision of a conventional facility on-site in its entirety (see above Sports Facility Calculator figures), provision should be made in the form of a financial contribution towards the provision or improvement of off-site facilities in the local area. Provision should be informed by the District Council's Indoor Sports Facility Strategy and discussions with the Uttlesford District Council's Leisure team and Great Chesterford Parish Council. Consideration should be given by the Council to using the figures from the Sports Facility Calculator for informing the level of a financial contribution. A contribution would need to be index-linked and secured through a section 106 agreement with arrangements made for securing the contribution and delivering the project(s) that the contributions would be used towards within an appropriate timescale.

Conclusion on Sports Facility Provision

As there are no confirmed proposals at this stage for meeting the development's outdoor or indoor sports facility needs, an **objection** is made to the planning application in its current form. However, I would be willing to withdraw this objection in due course if it is confirmed that appropriate financial contributions, secured through a planning obligation as set out above, will be made towards the provision of these facilities and the expected level of the contributions is confirmed together with the projects that the contributions will be used towards.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015) <https://www.sportengland.org/facilities-planning/active-design/>, a guide to planning new developments that create the right environment to help people get more active. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design which is consistent with section 8 of the NPPF. Sport England commends the use of the guidance in the master planning process for new residential developments. It should also be noted that the current version of the Essex Design Guide (February 2018) <https://www.essexdesignguide.co.uk/> has embedded the Active Design principles into guide.

The development proposals offer opportunities for incorporating the active design principles and some of the proposals are welcomed and considered to be consistent with the principles. In particular, the indicative proposals to provide the Heritage Park and the other open spaces, the off-site footway and cycleway improvements proposed and the circular footpath around the periphery of the development.

If the application is approved, to help ensure that designing to encourage physical activity is given appropriate consideration in practice when reserved matters applications are prepared, Sport England would **request** a planning condition to be imposed requiring details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. The Active Design guidance includes a checklist that can be applied to developments and it is recommended that the checklist is used to inform the provision of such details and included in a document such as a Design & Access Statement or Health Impact Assessment. A suggested planning condition is as follows:

“For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met.

Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy.

Informative: Consideration should be given to using the Active Design checklist in Sport England’s Active Design Guidance to assess reserved matters planning applications”

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the local planning authority and/or the applicant as the determination of the application progresses.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Please contact me if you have any queries.

Yours sincerely

Roy Warren
Planning Manager

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E: Roy.Warren@sportengland.org

East of England Ambulance Service (NHS Trust)



By Email Only

Mr Mike Huntington
Planning Services
Greater Cambridge Shared Planning

East of England Ambulance Service NHS Trust
Hammond Road
Bedford
MK41 0RG

Date: 22 December 2022
Our Ref: 22/05170/CNA/ZM
Your Ref: 22/05170/CNA

Consultation Response: UTT/22/2997/OP

Planning Application: 22/05170/CNA

Location: Land Between Walden Road And Newmarket Road Great Chesterford

Outline planning application (with all matters reserved for means of access from Walden Road and Newmarket Road) for residential development of up to 350 dwellings, including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of shop and Cafe floorspace (Use Class E/F), sustainable urban drainage system and associated infrastructure.

Dear Mr Huntington

1. Thank you for consulting East of England Ambulance Service NHS Trust (EEAST) on the above planning application.
2. Further to a review of the application details the following comments are made in regard to the provision of ambulance services.
3. Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site
 - 3.1 The proposed development will put increasing pressure and demand on EEAST providing nationally set response times for ambulance emergency services around the geographical area associated with the proposed application site (eg Saffron Walden). EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area.
 - 3.2 Any new housing development requires assessment of:
 - Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines
 - The suitable location of existing ambulance station(s) within the locality to meet the increased demand with potential to redevelop or extend and in certain instances relocate to a more suitable location

- Additional medical equipment to manage the increased number of incidents from the growing population in order to maintain mandated ambulance response times and treatment outcomes.
- The need to recruit, train and provide new equipment for additional Community First Responders (CFR) to support the proposed development and the community as a whole
- IT Infrastructure.

3.3 Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £135,226.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional dwellings ¹	Ambulance Cost ³	Total
350	£386.36	£135,226

1 2.5 persons for each dwelling average as agreed with Uttlesford District Council

2 Calculated from EEAST ambulance data for IDP at £386.36 per dwelling with 2.5 persons per dwelling

3.4 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development. Any funding would be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new community first responders or provide new community responder equipment

3.5 Non-emergency patient transport services are commissioned by Cambridgeshire and Peterborough Integrated Care System to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.

4. Review of Planning Application

4.1 The age profile is important for EEAST and the Integrated Care System, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource. Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

4.2 The change of use from agricultural land to housing will impact on emergency ambulance services.

4.3 EEAST would highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being.

4.4 Where lifts are to be installed EEAST would request these are of a suitable size to enable a patient to be safely transported by stretcher and accompanied by 2 medical personnel

alongside the stretcher (a minimum internal of 2.6m x 1.6m is required).

- 4.5 The impact of flooding significantly affects residents physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.
- 4.6 EEAST would welcome the developers to utilise the catchment of clean and grey water to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse water for gardens, car washing and in community gardens instead of entering main sewers.
- 4.7 In Flood Zone 2 and 3 EEAST request the appropriate the use of swales and other drainage measures to absorb any flood waters and would urge developers ensure measures are taken to minimise the risk of flooding in surrounding areas as well as flood proof homes, garages and other infrastructure.
- 4.8 Where appropriate the use of swales would further reduce any potential risk of flooding. In addition, the use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off is welcomed.
- 4.9 EEAST would welcome the potential for community gardens/planting of orchard trees to support community physical and mental health and well-being. The planting and usage of communal and private terrace (for residents' amenity) are welcomed as these can support physical and mental health and wellbeing and help develop community cohesion.
- 4.10 EEAST supports the central open space and would encourage the developer to consider the establishment of seating in the open spaces and along walkways to provide the opportunity for residents to meet and supports those who have limited mobility to rest.

5. Transport, Design and Access Assessment of Development Impact on Existing Healthcare Provision

- 5.1 EEAST would request the developer ensures cycle parking should allow for different types of cycles to be stored (eg trike, electric), covered, secure and well lit.
- 5.2 It should be noted that EEAST as a blue light emergency service would request the developers support the Vision Zero/Safe System approach to design out road accidents for vehicle occupants, motorcyclists, bicyclists and pedestrians by utilising clear lines of sight, use of appropriate street/road lighting, use the of village gateways on approach to the junctions/roundabout and other opportunities to support speed reduction.
- 5.3 EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light.

6 Conclusion

- 6.1 In its capacity as a healthcare and emergency service EEAST has identified that the development will give rise to a need for additional emergency and non-emergency healthcare provision to mitigate impacts arising from this development and other proposed developments in the local area.
- 6.2 EEAST, together with Cambridgeshire and Peterborough ICB, are keen to work with the developer to ensure that local healthcare services have sufficient investment to continue to meet the needs of existing residents, and also the needs of the additional population that this proposed development under this application will bring. In this way and subject to the specific assurances sought through our response, we look forward to collective working.

6.3 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Zoë May', written in a cursive style.

Zoë May
Head of Business Relationships

cc: David Parke, Cambridge & Peterborough ICS
Uttlesford District Council

National Health Service



Charter House
Parkway
Welwyn Garden City
Hertfordshire
AL8 6JL

6 June 2023

sheila.addison@nhs.net

<https://hertsandwestessex.icb.nhs.uk>

By email:

FAO: Case Officer: Lindsay Trevillian
Uttlesford District Council

Dear Lindsay,

Re. Planning Application Consultation: UTT/22/2997/OP - Land Between Walden Road And Newmarket Road Great Chesterford Essex

Proposal: Outline planning application (with all matters reserved except for means of access from Walden Road and Newmarket Road) for residential development of up to 350 dwellings, including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of shop and café floorspace (Use Class E/F), sustainable urban drainage system and associated infrastructure

Thank you for consulting the Hertfordshire and West Essex Integrated Care Board (HWE ICB) on the above-mentioned planning application.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.8m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
- tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
- get the most out of local health and care services and make sure that they are good value for money.

Dr Jane Halpin, Chief Executive

Rt. Hon. Paul Burstow, Chair



- help the NHS support social and economic development in Hertfordshire and west Essex.

Assessment of impact on existing Healthcare Provision

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision in the vicinity of the development.

This proposed development would deliver 350 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa **840 new patient registrations**.

Within the HWE ICB there are 34 Primary Care Networks (PCNs) across the 14 localities; each covering a population of between circa 27,000 and 68,000 patients. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care. As such a doctors' general practitioners' surgery may include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals. North Uttlesford PCN, under which this development directly falls, has a combined patient registration **list of 41,847** which is growing.

Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: it is the quickest journey, accessible by public transport or is in walking distance), parking provision, especially for families with young children and for older adults.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

As a result of significant growth proposed in Local Plans, the HWE ICB expects applications to close lists to increase. It is therefore important that new developments make a financial contribution to mitigate any primary health care impacts the development will have.

Healthcare Needs Arising from the Proposed Development

This development will have an impact on primary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the primary health care impacts from this development, has been calculated using a formula based on

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the number of units proposed and does not take into account any existing deficiencies or shortfalls in Great Chesterford and its vicinity, or other development proposals in the area.

Cost calculation of additional primary healthcare services arising from the development proposal

840 new patient registrations/2000 = 0.42 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"

0.42 x 199 m² = 83.58 m² of additional space required

83.58 m² x £5,410* per m² = £452,167.80 (*Build cost; includes fit out and fees)

£452,167.80 / 350 dwellings = £1,291.908 per dwelling (rounded up to £1,292.00 per dwelling)

Total GMS monies requested: 350 dwellings x £1,292.00 = £452,200.00

The HWE ICB therefore requests that this sum is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 planning obligation. Trigger points of payment on occupancy of the 75th, 150th & 275th Dwellings is also requested.

Please note, the developer contribution figure referred to in this response is a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus Section 106 monies on Gold Street/School Street Surgeries (main and branch). The ICB are already in discussions with the practice and exploring an increase in capacity by way of re-configuring, extending or relocating the premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open.

In terms of identifying a project in full at this stage for Gold Street/School Street Surgeries, please note:

- All projects are subject to Full Business Case approval by the HWE ICB and NHS England.
- Any commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and which demonstrates value for money.
- All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public

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expectation and indicate a promise of improvements and increased capacity, which are subject to both the above points. Securing developers contributions to all aspects of healthcare is therefore vital.

- A project identified and costed in response to the planning application may not meet the objectives of current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

In conclusion, in its capacity as the primary healthcare commissioner with full delegation from NHS England, the HWE ICB has identified a need for additional primary healthcare provision to mitigate the impacts arising from the proposed development. The cost calculation, set out above are those that the HWE ICB and NHS England deem appropriate having regard to the formulated needs arising from the development.

The HWE ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations, as set out in the NPPF. Further, NHS England and the HWE ICB reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.

Subject to certainty that developer contributions are secured, as set out above, the HWE ICB does not raise an objection to the proposed development.

The HWE ICB looks forward to working with the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of receipt of this letter.

Yours sincerely,



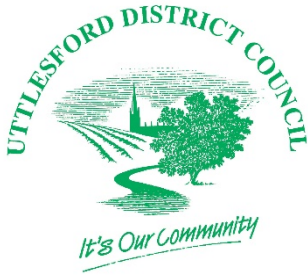
Sue Fogden MRICS LLB (Hons)
Assistant Director – Premises
NHS Hertfordshire & West Essex ICB

Dr Jane Halpin, Chief Executive

Rt. Hon. Paul Burstow, Chair



Agenda Item 9



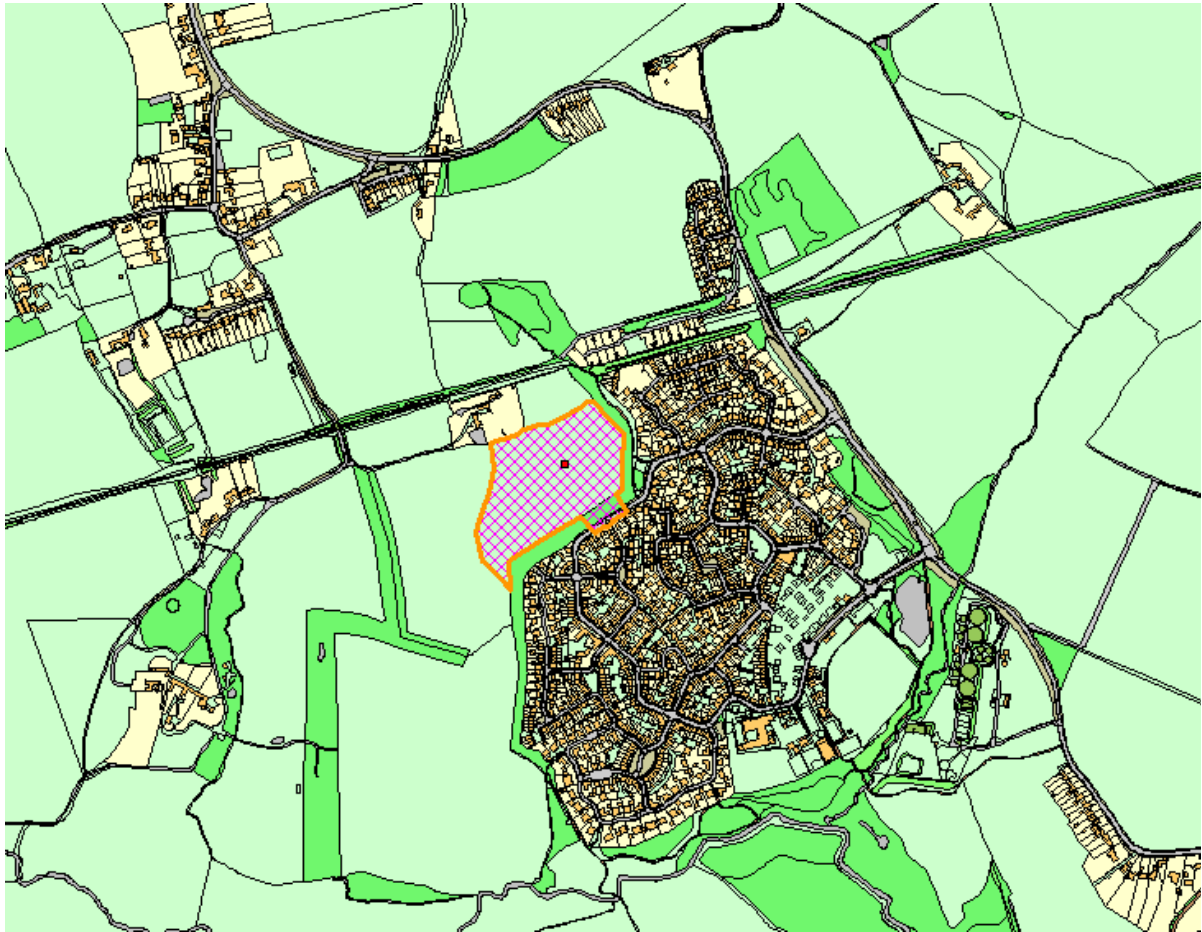
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 22nd November 2023

REFERENCE NUMBER: UTT/22/3470/OP

LOCATION: Land North Of Baynard Avenue, Baynard Avenue,
Fritch Green,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: July 2023**

PROPOSAL: Hybrid Planning Application – Outline application for up to 72 dwellings (Use Class C3) together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) with all matters reserved, except access and structural landscaping.

Full planning application
Proposed access and structural landscaping

APPLICANT: Mr D Metson - Baker & Metson Limited

AGENT: Jennie Bean

EXPIRY DATE: 13 April 2023

EOT Date Expiry 27 November 2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits & site within 100m of Local Wildlife Site

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application.

1. EXECUTIVE SUMMARY

1.1 This application was deferred by the planning committee on 30 August 2023 in order to consider alternative access to the site. The applicant has provided additional information including:

- Access Options Appraisal - Consideration of potential alternative access into the proposed development.
- Construction Vehicle Route Option- Details of how a Construction Access might be achieved from Brook Street should that be considered necessary.
- Parking Survey to identify the nature of current parking on Baynard Avenue –which includes details of the parking provided for each dwelling in accordance with the requirements of the Essex Design Guide.
- Trip Generation Technical Note- Actual trip generation of Fritch Green as it currently exists has been undertaken revealing the trip

generation is actually lower than was assumed in the Transport Assessment.

- Cross section of the boundary between the site and the proposed development.

The access as proposed is the least constrained in terms of landownership, highway impact and general environmental constraints. As such the following the deferral of planning committee (30/8/2023) the applicant has chosen not to revise the application and move forward with the existing access proposed.

- 1.2** The application has been submitted as part outline and part full. The outline part of the application seeks planning permission with all matters reserved except for access, for the construction of up to 72 dwellings, together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) and public open space. The full part of the application relates to the details regarding structural landscaping to a strip along the western boundary of the site. Landscaping to the remaining parts of the application site would be subject to a reserved matters application.
- 1.3** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policy S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is thereby engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.4** The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would provide 29 affordable dwelling and new community building. Furthermore, weight has been given in respect to the biodiversity net gain and the provision of public open space. Thus, taken together, significant weight has been accorded to the benefits of the development proposed.
- 1.5** The proposal would result in less than substantial harm to the setting and significance of the Grade II listed building, however a heritage balance has been made and it is considered the public benefits of the development is not outweighed by the harm caused. In addition, it would result in a harmful impact upon the immediate landscape of the site, this would be major to moderate adverse, although this would be localised.
- 1.6** Therefore, and taken together, weight to the adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. RECOMMENDATION

2.1

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.

2.2 In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the 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 engaged. Members must state their reasons including why it is considered that the presumption is not engaged.

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

2.4 1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support its delivery. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2022.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site relates to a parcel of land in agricultural use which is approximately 3.46ha. The site is located on the north-western side of the settlement of Oakwood Park, adjacent to the development boundary.

3.2 There is residential development to the south of the site and to the east along Baynard Avenue and Fitzwalter Road respectively. To the west are agricultural fields and to the north is the Grade II listed building of 'Bayleys' with the Flich Way, a County Wildlife Site and Public Right of

Way (PRoW 35_40) beyond. There is also a public right of way (PRoW 35_25) that runs parallel to the western boundary at a distance of approximately 150m.

- 3.3** The site is not located within or immediately adjacent to any conservation area and there are no listed structures on the site. However, the application site is located outside of the development limits of Oakwood Park.

4. PROPOSAL

- 4.1** This planning application is submitted in part outline relating to the construction of up to 72 dwellings, together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) and public open space, with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site and for the details of access to be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) are submitted to the Local Planning Authority for consideration.

- 4.2** The application has also been submitted partly in full. The fully detailed part relates to the structural landscaping to a strip along the western boundary of the site. Landscaping to the remaining parts of the application site would be subject to a reserved matters application.

- 4.3** Although this application seeks outline planning permission in the main, the application is accompanied by parameter plans, which provide an indication of how such a quantum of development could be achieved on the site including in respect of layout.

- 4.4** The proposed dwellings would be predominantly 2 to 2 ½ storeys, with a small section of 3 storey buildings and would range from larger detached properties set within larger plots to smaller semi-detached plots and short terraces.

- 4.5** The proposed housing would comprise of off-street car parking spaces to each unit. 40% of the total are to be affordable housing units.

- 4.6** The proposal would include areas of public open space to the western and eastern boundaries of the site, a children's play space and a small community / commercial building towards the eastern boundary.

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/14/2756/OP - Outline application with all matters reserved for a new mixed-use development comprising: up to 750 dwellings including affordable homes, a village centre including up to 1,000 sq m gross for retail (Class A1-A5) use, up to 500 sq m gross of floorspace for community use and or a GP's surgery (Class D1) and up to 300 sq m gross of office floorspace (Class B1), a primary school (Class D1) with early years and childcare provision, public open space, playing fields (including pavilion and car park) and landscaping;, highways improvements, enhanced public transport, water storage bodies and sustainable drainage, and, associated and ancillary development. - Chelmer Mead - Land East Of Little Dunmow And North Of Flitch Green. – Refused – 03/05/2015.

Adjoining Sites

- 6.2 UTT/21/3596/OP - Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings (REDUCED FROM 180 dwellings) , a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure (AMENDED PLANS & ADDITIONAL INFORMATION INCLUDING reduction in units, increased open space & additional highway measures) - Moors Fields Station Road Little Dunmow Essex. - Approve with Conditions – 02/03/2023.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

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

- The applicant engaged in pre-application discussions with Uttlesford District Council on two occasions on 26th October 2021 and 12th January 2022.
- The pre-submission proposals were displayed at a public exhibition event held at the Flitch Green Community Hall on Saturday 23rd April for councillors and members of the public. Opportunities were provided to receive feedback from the local community and to engage with those directly affected by the proposals.

- 7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed at section 6 within the submitted Planning Statement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

- 8.1 Highway Authority – No Objection

8.1.1 This response supersedes the highway response dated 28th March 2023. Further to that response, a revised Transport Assessment (revision A 01.06.23) and revised Access Plans (2276-03/003 Rev J 04.07.23 and Rev K 28.07.23) have been submitted and reviewed by the highway authority. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

8.2 Local Flood Authority – No Objection.

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission (Subject to conditions).

9. Felsted Parish Council Comments – Object.

9.1 Resolved to object on the following grounds:

- Impact on local traffic network
- Impact on sewage network
- Impact on local infrastructure including schools and health provision.

9.2 Little Dunmow Parish Council Comments – Object.

9.2.1 Resolved to object on the following grounds:

- Impact on local traffic network and highway safety
- Impact on landscape
- Impact on local infrastructure including schools and health provision.
- Impact on biodiversity
- Impact on the Flitch Way

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection.

10.1.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 72 units. This amounts to 29 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

The tenure split of the affordable housing provision needs to be 70% for affordable rent, 25% for First Homes and 5% for shared ownership. The mix of the affordable housing can be agreed at a later date subject to outline planning approval being granted for the development.

The First Homes will need to be delivered at or below a price cap of £250,000 after a 30% developer contribution has been applied.

10.2 UDC Environmental Health – No Objection.

10.2.1 No concerns raised in relation to the impact of the development upon the residents of neighbouring properties, or future occupiers of the proposal, subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 Satisfied that the impact of the proposal in landscape terms would be limited and localised. The fully submitted details regarding the Western Tree Belt are considered appropriate.

10.4 ECC Infrastructure – No Objection subject to contributions.

10.4.1 A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 72 dwellings:

- Secondary Education: (Financial contribution of £311,453.00).
- School Transport: (Financial contribution of £65,211.80).
- Libraries: (Financial contribution of £5,601.60).

10.5 NHS – No objection subject to contributions.

10.5.1 The proposed development would deliver 72 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 172.8 new patient registrations.

Total General Medical Service monies requested: 67 dwellings x £1,292.00 = £93,024.00.

10.6 East of England Ambulance Service NHS Trust – No objection, subject to contributions.

10.6.1 The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £27,818 and are for the impact of this development.

10.7 Aerodrome Safeguarding – No Objection.

10.7.1 No aerodrome safeguarding objections to the proposal subject to conditions.

10.8 Anglian Water – No objection.

10.8.1 Anglian Water have no objections.

10.9 Place Services (Archaeology) – No objection.

10.9.1 No objections subject to conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation.

10.10 Place Services (Ecology) – No objection.

10.10.1 No objection subject to securing biodiversity mitigation and enhancement measures.

10.11 Place Services (Conservation and Heritage) – Objection.

10.11.1 The development proposals would, in principle, fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2023) this would represent less than substantial harm at the lower to middle part of the scale, making Paragraph 202 relevant.

10.13 Natural England – No comments.

10.13.1 The application site falls outside of the Hatfield Zone of Influence and doesn't fall within any other Impact Risk Zones for residential development.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 85 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Summary of Objections

- 11.2.1**
- Loss of light.
 - Impact on traffic.
 - Pedestrian safety.
 - Lack of public transport.
 - Impact on protected species.
 - Noise pollution.
 - Loss of wildlife.
 - Design concerns including density.
 - Lack of infrastructure to support the development.
 - There isn't a need for housing.
 - Noise and pollution disturbance during construction.
 - Impact on property values (Officer Comment: this is a purely private issue and not a material planning consideration).
 - Loss of countryside / outside development limits.
 - Impact on sewage system.
 - Drainage & Flooding.
 - Loss of green space and removal of trees.
 - It would set a precedent.
 - It would result in coalescence with existing settlements.
 - Impact on light and privacy to neighbouring occupiers.

- Loss of Greenbelt land (Officer Comment: the land does not fall within the greenbelt).
- Lack of jobs.

12. MATERIAL CONSIDERATIONS

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

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

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

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

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made 21 February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)
 Thaxted Neighbourhood Plan (made 21 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 and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV5 – Protection of Agricultural Land

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing development

H9 – Affordable Housing

H10 – Housing Mix

13.3 Neighbourhood Plan

13.3.1 It is confirmed a Neighbourhood Plan has not been made.

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)

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

Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 A) Principle of Development

B) Countryside Impact

- C) Design & Neighbouring Amenity
- D) Heritage impacts and Archaeology
- E) Affordable Housing Mix and Tenure
- F) Access and Parking
- G) Nature Conservation & Trees
- H) Climate Change
- I Contamination
- J) Flooding
- K) Planning Obligations

14.3 A) Principle of development

Housing Delivery

14.3.1 The 2023 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

14.3.2 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

14.3.3 Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

14.3.4 The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.5 Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may

be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

- 14.3.6** A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. The proposal would be located to the north-western edge of Oakwood Park in an area which is effectively an enclave of agricultural land that is adjacent to residential development to the east and south. This would serve to off-set the visual impact of the development on the landscape in wider views of the site. Whilst the proposal would have a limited and localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

Loss of Agricultural Land

- 14.3.7** Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.
- 14.3.8** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 14.3.9** Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.3.10** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

14.3.11 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.

14.3.12 Whilst there would be some conflict Policy ENV5, the site consists of Subgrade 3a – good quality agricultural land and therefore classified as best and most versatile land. Given the above and that the loss of BMV land as part of the application would only be approximately 3.46 hectares, this relatively small loss can only be afforded very limited weight in relation to the conflict with this policy. As such, there would be insufficient grounds to introduce such a reason for refusal on this basis as part of the current scheme. Therefore, the loss of agricultural land in this location is not considered to give rise to significant conflict with Policy ENV5 or paragraph 174b of the Framework, which would warrant refusing the application in its own right on this ground.

Suitability and Location

14.3.13 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

14.3.14 Oakwood Park is highlighted within the Local Plan as having been granted planning permission in 1997 for the redevelopment of the sugar beet works that formerly stood on the site.

14.3.15 Although outside the settlement boundaries of Oakwood Park, the new built form would be constructed adjacent to the north-western edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.16 Therefore, the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

NPPF Policy Position

- 14.3.17** 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 being 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 engaged.
- 14.3.18** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.3.19** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.
- 14.3.20** However, taking into account the engagement of the tilted balance and when reviewed against the aforementioned policies, the proposal is on balance, considered to be acceptable in principle.

14.4 B) Countryside Impact

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.4.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.4.4** The application site lies within the character area known as the Upper Chelmer River Valley, which stretches from the southern edge of the historic town of Thaxted, southwards to the point at which the river meets the urban edge of Chelmsford.
- 14.4.5** The area is characterised by gently undulating valley floor has an enclosed character and restricted views often framed by the many riverside and hedgerow trees, a string of small wet woodlands and the

sloping valley sides. The assessment describes the key characteristics for the landscape area as being a narrow valley with dense riverside trees, arable valley sides with a fairly open character. Overall, this character area has a relatively high sensitivity to change.

14.4.6 The submitted Landscape and Visual Impact Assessment considers the effects on the character of the Upper Chelmer Valley would be limited and localised, and the proposed development could go ahead without compromising the guidelines for this area. Given the siting of the site, with residential development adjacent to the southern and eastern boundaries of the site, the proposed development would not represent a significant encroachment into the countryside when viewed combination with those other developments. Regard also has to be given to more recent applications that have been approved, such as that as to the north of the site as highlighted within the planning history section of this report, which would also serve to reduce the sensitivity of the landscape in which the proposal would have an impact. Together with the strategy for landscaping on the site, the development would respect the character and appearance of those neighbouring developments and provide a suitable transition to the countryside beyond.

14.4.7 The Council's Landscape Officer has reviewed the submitted Landscape Assessment and advises the proposal the effect of the proposed on the existing character of the immediate site would be major to moderate adverse, although this would be localised. This is due to the change of the undeveloped agricultural field to a residential development; however, this is localised. In cross valley view's taken from the west of the site the effect is considered to be of minor adverse significance.

14.4.8 The proposal for up to 72 dwellings would result in the introduction of built form where there is none currently. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The proposed structural planting of a 20m wide native species woodland belt along the western edge of the site would significantly mitigate the visual impact of the development on the wider landscape. This form part of the full planning application and will be secured through the approval of the parameter plans and western tree belt plan. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.5 C) Design & Neighbouring Amenity

Design

14.5.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF

highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

- 14.5.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The height of residential development would be predominantly 2 and 2 and ½ storeys with some single storey dwellings and also an area of 3 storey buildings. The density of the site would be between approximately 31 dwellings/hectare and there would be a mixture of housing types.
- 14.5.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant levels of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserved matters applications are submitted if outline consent were to be granted.
- 14.5.4** A Design Code has been submitted as part of the application which provides guidance and outlines measures of high-level design coding and place making, including healthy lifestyles for future occupants to guide future reserved matters applications. The document highlights that the site would be split into 4 different character areas. Each area provides the opportunity to create different character areas that reflect the characteristics of the surrounding villages. A condition would be attached to ensure that any future reserved matters applications are to be guided by the measures outline in the 'design Code' to ensure a high-quality design.
- 14.5.5** The Council's Urban Design officer has not raised any objections objection subject to the provision of local area of play and pedestrian entrances. It is noted in the masterplan includes rear gardens facing the existing tree belt around Baynard Avenue, it is understood this design approach has been taken to ensure the development and built form will not impact protected habitat located to the southern boundary of the site. However, it is noted the layout of the development would be a reserved matter and considered in a subsequent reserved matters application.
- 14.5.6** Although the submitted design code is recommended to be conditioned the submitted plans are illustrative and therefore the layout of the development would be considered in a reserved matters application, although the proposed land use will be secured by the parameter plan.

14.5.7 Given the above, the proposal would comply with Local Plan Policy GEN2.

Neighbouring Amenity

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

14.5.9 The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.5.10 The submission includes a parameter plan and layout of the site and that the proposed dwellings would be no more than two storeys in height. This shows that the proposed built form would be sufficiently distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023.

14.6 D) Heritage Impacts and Archaeology

Impact on the Conservation Area & Listed Buildings

14.6.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.6.2 The proposed development site is an area of previously undeveloped agricultural land to the south and east of Grade II listed Bayleys (List entry number 1112805) which was historically part of a farmstead known as Tile End and has been dated to the sixteenth century or earlier with later additions and alterations. There are other Grade II listed buildings within 500 metres of the site, the closest of which is Grade II listed 4 Brook Street (listed as Thatched cottage between brick house and railway bridge, List entry number 1112806) to the north-west of the site which has been dated to the seventeenth or eighteenth century with twentieth century additions and alterations.

14.6.3 The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'.

14.6.4 Paragraphs 199, 200 and 202 of the NPPF state: 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. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

14.6.5 The ECC Place Services Conservation Officer has been consulted as part of the application and considers that, as the proposed development site forms part of the agrarian setting of the historic farmhouse (Bayleys) and provides a direct link to its historic function, it makes a positive contribution to its significance. However well screened from the listed building the new development is proposed to be, it will inevitably also introduce the adverse effects of light spill and increased noise and activity levels, particularly as it will be a sizeable extension of the modern housing development of Flitch Green.

14.6.6 As such, the proposed development would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2023) this would represent less than substantial harm at the middle part of the scale, making Paragraph 202 relevant. As such, and as per the requirements of paragraph 202 of the Framework, the decision maker needs to weigh the identified harm against the public benefits of a proposal.

Heritage Balance

14.6.7 Framework paragraph 202 requires that the harm to the significance of the listed building must be weighed against the public benefits of the proposal. In relation to 4 Brook Street Paragraph 202 of the NPPF advises harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

14.6.8 The public benefits of the scheme include:

- 29 affordable housing units,
- 5% of the affordable dwelling will be first homes delivered at or below a price cap of £250,000 after a 30% developer contribution has been applied.
- Construction of Community building with flexible uses falling within Use Class E.
- The development includes public open space and pedestrian links to the Flitch Way

- 14.6.9** Taken in isolation, and without consideration of location, the above factors could amount to significant public benefits sufficient to outweigh the less than substantial harm to the designated heritage asset.

Archaeology

- 14.6.10** In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.6.11** The ECC Archaeological Team have not commented on the application. However, it is noted that the site does not fall within an Archaeological Site of importance, and it is considered that subject to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation could be adequately secured by way of condition.
- 14.6.12** The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with Policy ENV4 of the Local Plan.

14.7 E) Affordable Housing Mix and Tenure

- 14.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the National Planning Policy Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 14.7.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the development proposes up to 72 properties. This amounts to up to 29 affordable housing properties.
- 14.7.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for

New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

- 14.7.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. The accommodation mix would be subject to reserved matters application where finer detail in terms of layout would be provided to ensure that the most appropriate mix for the site is submitted for assessment.
- 14.7.5** Moreover, it is also the Council's policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. The proposal included 40% affordable housing provision which is policy compliant and a significant public benefit as part of the proposal. Given the outline nature of the proposal, the tenure and mix of housing could be adequately dealt with by way of condition or at reserved matters stage.

14.8 F) Access and Parking

Access

- 14.8.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.8.2** The application site would be accessed from Baynard Avenue to the north of dwellings along that street. Pedestrian and cycle routes are also proposed through from the Site to Baynard Avenue to the eastern boundary and also connecting to footpaths / cycle paths to the Flitch Way around the north-eastern part of the site.
- 14.8.3** Concerns have been raised as part of the public consultation on the application in relation to the proposal impact in terms of increase in traffic and road access being difficult in and around the area in combination with other developments that have recently been approved.
- 14.8.4** An initial response was provided by ECC Highways in relation to the application which required more detail to be provided in relation to the impact of the development in conjunction with other developments that are taking place. Following the submission of additional information, including a revised Transport Assessment and Access Plan ECC Highways have removed their objection and provided a number of recommended conditions.

14.8.5 The Highway Authority also seek a payment of a £150,000 contribution (index linked) towards enhancement of public transport services in the vicinity of the site, to be spent improving the service to Chelmsford passing the site on Station Road. This would be secured through a S106 agreement.

14.8.6 Parking Survey

In regard to the deferral of the application an additional parking survey has been undertaken. Whilst survey showed that there was on street parking between Britric Close and Fitzwalter Road, the width of Baynard Avenue still allowed access for all forms of vehicles. To help reduce the on-street parking along the access section of the road. The following has been considered:

- Double yellow / controlled parking- difficult to impose and enforce.
- Addition parking bays in the existing verges along Baynard Avenue- This would impact the existing landscaping/ character of this part of the estate.
- Provide alternative parking- this would be possible, however would be away from the properties and unlikely to be well used, especially if the existing parking courts are already underutilised.

14.8.7 The removal of parking along this section of Baynards Avenue will have a detrimental impact on speed reduction. If the road was clear of all parking vehicle speeds would increase. On this basis it is concluded that this section of Baynards Avenue will provide a safe and useable access route.

14.8.8 Trip Generation

Following the planning committee comments regarding the details of trip numbers that had been included in the original transport Statement, the applicant has provided an additional trip generation study. This concludes the trip numbers included are robust and give a reliable forecast of potential trip generation. By way of further investigation, automatic traffic count (ATC) surveys were undertaken from 26 September–02 October 2023, at Flitch Green’s main connection points with Station Road at Baynard Avenue and Tanton Road. Essentially, all traffic to/from Flitch Green was captured by these ATC surveys, including not only the existing 987 dwellings on the estate, but, also the associated educational, retail and recreational uses on the Site, thereby including people coming from outside the neighbourhood of Flitch Green visiting for example the school, the coffee van, Flitch and Chips and the supermarket

14.8.9 In view of the above, it can be stated confidently that trip generation arising from the proposed development would be in the order of 30-40 two-way movements in each of the AM and PM peak hour periods, whichever method of trip forecasting is used. While most of this traffic would be assigned to the Baynard Avenue/Station Road junction, a

proportion would also likely use the Tanton Road/Station Road junction to South.

14.8.10 With the above in mind, the traffic modelling that was included in the final version of the Transport Assessment, which has been accepted by the Highway Authority, presents an accurate picture of the anticipated traffic condition upon the completion of the proposed development at Flitch Green.

14.8.11 Site Access Options

In regard to the deferral reason and to consider alternative access to the site, the applicant has provided an informative in regards to other possible access locations, these include:

- Option A- Access from the former Traveller site,
- Option B- Perry Road
- Option C- Brook Street
- Option D- Baynards Avenue

14.8.12 The current location was considered the most logical place for an access point due to its central location and the presence of speed control.

Option A- Access from the former Traveller site

A new road of 5.5m wide would need to be constructed through the Traveller site, this would need to cross the Flitch way and an existing watercourse. This option would require the purchasing of third-party land.

Option B- Perry Road

Perry Road is only 4.8m wide and whilst at this section has two-foot ways further to the south it is transformed into a shared surface. Perry Road is connected to Baynards avenue by an existing mini roundabout feature. Essex County Council require a minimum carriage with off 5.5m and to achieve this would require the purchasing of third partly land. This access here would require the removal of a larger section of trees. Construction vehicle would require travelling further into Flitch Green.

Option C- Brook Street

This option is from Brook Street, Brook Street is an existing rural lane with a carriage way width varying from 4m to 5m in width. There are no footways, and the road is generally bound either side by existing hedges. The junction with Brook Street is fairly tight making it difficult for HGV to turn into Brook Street without making a number of manoeuvres. Significant improvement will be required to make this a main access into the site, including widening the highway to 5.5m and realignment of the junction with The Street due to proximity of a nearby property. The southern section of Brook Street includes a humpback bridge over the Flitch Way which will restrict the width and would be expensive to improve.

This access option will form a break in the landscape belt proposed as part of the development. The route will also bring the access road closer to the listed building of Bayley's, there may also be an effect on a large oak tree to the south of the access to Bayleys. A full landscaping appraisal would be required.

Option D- Baynards Avenue

Baynards Avenue is part of a strategic loop within Fritch Green, it has a carriage way width of 6m and has been designed to ECC design standards. The route has sufficient capacity to serve the development with no offsite junction improvements required. There is no highway safety issues in relation to the construction of the new access.

No third part land is required, including required visibility splays. The proposal will require the removal of a section of the existing bund however the majority of the development will be screened by the remainder of the bund.

14.8.13 It is clear that Access D (as proposed) is the least constrained in terms of landownership, highway impact and general environmental constraints. As such the following the deferral of planning committee (30/8/2023) the applicant has chosen not to revise the application and move forward with the existing access proposed.

14.8.14 Construction Management Route

The applicant has provided a construction management route option report, the main objective of this note is to outline how the site will be accessed during the construction period.

14.8.15 **Option A- Baynard Avenue**

The first and most direct option is along Baynard Avenue from Station Road. Baynard Avenue is a 6m wide spine road which serves the development of Fritch Green. Along its alignment are a few mini roundabouts which have been designed to allow for HGVs to overrun the central island and some of the approaches. Whilst there is significant on street parking this tends to be concentrated on the section between Britric Close and Fitzwalter Road. Most of the time the residents generally either park on one side of the road or the other always ensuring a clear route through for vehicles. This route is used regularly by a wide range of HGV vehicles that would normally be required to serve a residential development of this scale for example refuse vehicles, service and delivery vehicles and removal vehicles.

14.8.16 If this route was adopted as the main construction vehicle access, then larger deliveries would be planned to be undertaken outside of the peak am/pm peak hours for the development. In addition, onsite parking would be provided to ensure that no construction workers or visitors would need to park outside of the site itself. Wheel washing equipment would be provided on site to ensure that no soil is deposited out onto the estate

roads. Turning facilities will be provided inside the site so that all vehicles can enter and exit in forward gear.

14.8.17 Option B- Brook Street

This option involves the construction of a temporary haul road from The Street within Little Dunmow running parallel with Brook Street in the field prior to joining the highway before going over the Flitch Way and into the site within the northeast corner. This would avoid the tight corner next to Ivy House a listed building and the majority of Brook Street itself.

14.8.18 The haul road would consist of a short section of concrete construction at the main access point with The Street this to minimise any stone being taken out onto the highway. In addition, wheel washing equipment will be provided at this location to ensure that no soil taken out of the site onto the Highway. The access onto The Street would be located at an existing gap in the hedge, which was previously used as a field access.

14.8.19 The rest of the haul road itself will be formed by stripping the topsoil for a 6m wide strip and stockpiling immediately adjacent to the route. A geotextile membrane will be then laid down and then Type 1 Stone or Hoggin compacted in layers on top, creating a good running surface suitable for all vehicles. Just prior to re-joining Brook Street north of the Flitch Way it is proposed that a materials store/vehicular parking area will be provided. The idea behind this is that larger vehicles delivering roof trusses and bricks etc, will unload at the materials store with smaller loads then being transferred into the site. Sufficient space will be provided for vehicles to turnaround within the store area.

14.8.20 The haul road could be constructed on land within the control of the Metsons and will be removed on completion and the field reinstated. The stone/hardcore would be used to form the sub-base for the footway/cycleway links around the development.

14.8.21 Overall, the site during construction will generate at its peak around 10 HGV movements and circa 50 LGV/car movements. All construction vehicles will be directed to and from the B1256 to the north avoiding Felsted Village. Large delivery vehicles will be scheduled to arrive at the site outside the peak hours on the highway network. Dust management and wheel washing will be provided at all access locations and space will be allowed within the site to allow all vehicles to enter and exit by forward gear only.

14.8.22 It is proposed that the final arrangements would be secured by planning condition as part of a Construction Management Plan prior to the commencement of works on the site, as set out in recommended condition 6.

Parking Standards

- 14.8.23** Policy GEN8 of the Local Plan advises that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards'.
- 14.8.24** The adopted Council's Residential Parking Standards (2013) recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more-bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.8.25** As such, the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents, however the details of this would be considered in a reserved matters planning application. The provision of electric vehicle charging infrastructure could be secured by way of an appropriately worded planning condition had the application been recommended for approval.
- 14.8.26** Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.9 G) Nature Conservation & Trees

Nature Conservation

- 14.9.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is outside the 10.4km Zone of Influence of Hatfield Forest which is a Site of Special Scientific Interest (SSSI). The Flitch Way, which is a designated County Wildlife site, is located due north of the site.
- 14.9.3** The Place Services Ecology team have reviewed the supporting documentation submitted as part of the proposals and consider that the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable, subject to conditions
- 14.9.4** The proposed reasonable biodiversity enhancements including the installation of 16 bat bricks, six sparrow boxes, six Swift bricks, four Starling bricks and 16 Bee bricks as well as new woodland planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy

Framework (2023) and is supported by the Place Services Ecology team.

Trees

14.9.5 The proposed development would result in the loss of 1 individual tree and a section of hedging on the eastern boundary to facilitate access. It is noted that the tree to be removed is a category B tree. However, these losses would be mitigated by proposed new tree and hedge planting. Extensive planting of street trees is proposed throughout the development and will largely comprise of varieties of different species of indigenous trees.

14.9.6 The Council's Landscape Officer has not provided specific comments on tree removals. However, it is noted that a section of trees as part of Group 1 as shown on the submitted Tree Survey would be required to be removed to facilitate access. Whilst this group is made up of category B trees, the loss of this section would be outweighed by replacement planting within the site and also along the proposed Western Tree Belt made up of 100 trees. This would ensure that the tree cover to be lost to facilitate access would be adequately replaced in terms of quantum and quality within the application site.

14.10 H) Climate Change

14.10.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

14.10.2 The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. An Energy Statement has been submitted as part of the application which highlights the key sustainability features that would be incorporated as part of the development. The proposals would achieve at least a 10% carbon emissions reduction over a Part L compliant development, with the predicted improvement of 30-50%, which is supported. Given the outline nature of the application, full details of such measures would be dealt with by way of condition through the submission of a more detailed energy and sustainability statement.

14.11 I) Contamination

14.11.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that

final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

- 14.11.2** The Council's Environmental Health Officer has been consulted as part of the application and notes the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is therefore important to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. It is therefore suggested that, if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This would require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Desk Study Assessment, prior to any works commencing on site, with further potential site investigations and remediation taking place at the site.

14.12 J) Flooding

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

- 14.12.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

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

- 14.12.4** Essex County Council who are the Lead Local Flooding Authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.

- 14.12.5** The proposals, for this reason thereby comply with Policy GEN3 of the adopted Local Plan and the NPPF.

14.13 K) Planning Obligations

- 14.13.1** 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 Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.13.2**
- Secondary Education: (Financial contribution of £311,453.00).
 - School Transport: (Financial contribution of £65,211.80).
 - Libraries: (Financial contribution of £5,601.60).
 - NHS: Financial contribution of £93,024.00.
 - Provision Emergency Ambulance Service Infrastructure, contribution of £27,818
 - Provision of 40% affordable housing.
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
 - Provision and long-term on-going maintenance of public open space.
 - Financial contribution of £150,000 towards bus services.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

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

16. Planning Balance and Conclusion

- 16.1** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years and does include the necessary 5% buffer. That being 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 engaged.
- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.
- 16.3** In respect to addressing the benefits of the proposed development, the affordable housing units and community building with flexible uses falling within Use Class E, these elements would represent significant public benefits.
- 16.4** The development would provide modest economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy, including the provision of commercial / community building on the site.
- 16.5** The provision of a large area of new public open space within the development would also represent a modest public benefit as part of the scheme.
- 16.6** Turning to the adverse impacts of development, the negative environmental effect of the development would be the harmful impact caused to the landscape character and visual effects on the character and appearance of the countryside from the introduction of built form in this location, albeit this would be limited and localised.
- 16.8** The proposal would also result in less than substantial harm to the visual significance of the Grade II listed Bayleys, a heritage balance has been made at paragraph 14.6.9 of this report and concludes the development would include significant public benefits that would outweigh the heritage harm.
- 16.9** Therefore, and taken together, the harm caused by the proposed development is not considered to significantly and demonstrably

outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

16.10 Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plans is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Provision of 40% affordable housing.
 - ii. 25% of Affordable housing being First Homes.
 - iii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
 - iv. Securing Farmland Bird Mitigation Strategy to compensate offsite the loss or displacement of any Farmland Bird.
 - v. Maintenance of SuDS including on-going maintenance of drainage systems where their outfall is beyond the site.
 - vi. Provision and long-term on-going maintenance of public open space.
 - vii. Provision and management of community building with flexible uses falling within Use Class E.
 - viii. Financial contribution of £150,000 towards bus services.
 - ix. Secondary Education: (Financial contribution of £311,453.00).
 - x. School Transport: (Financial contribution of £65,211.80).
 - xi. Libraries: (Financial contribution of £5,601.60).
 - xii. NHS: Financial contribution of £93,024.00.
 - xiii. Provision Emergency Ambulance Service Infrastructure, contribution of £27,818.
 - xiv. Monitoring fee for Residential Travel Pack
 - xv. Pay the Council's reasonable legal costs.
 - xvi. Pay the monitoring fee.

17.3 Conditions

1 Full Planning Permission

Access and Structural Landscaping 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 Outline Planning Permission

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

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

3 Outline Planning Permission

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

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

4 Outline Planning Permission

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

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

5 The development shall be carried out in accordance with the following approved plans: 21012-01, 21012-05, 21012-04, 21012-03, E21858-TLP-400, 03/003 Rev H & Design Code 15.06.2023 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality, street scene and highway safety in accordance with Policies S7, GEN1, GEN2 of the Adopted Local Plan and the NPPF.

6 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) Construction/Operational Hours
- 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) the control of noise and dust from construction, including the hours of working and hours of deliveries
- f) safe access to site and construction route
- g) wheel washing facilities
- h) measures to control the emission of dust and dirt during construction

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 7** Prior to commencement of the development, a Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

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

- 8** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 9** No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles

and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
- 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 OR, if impracticable.
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change;
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

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

- 10** 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: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 11** Prior to the commencement of the development hereby approved an air quality assessment and report shall be undertaken and submitted and approved by the Local Planning Authority.

The assessment report, which should include dispersion modelling, is to be undertaken having regard to all relevant planning guidance, codes of practice, British Standards and the UDC Air Quality Technical Planning Guidance 2018 for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment. The assessment report should comply with requirements of the EU Directive 2008/50/EC, the Air Quality Standards Regulations 2010.

REASON: In the interest of protecting air quality in accordance with Policy ENV13 and the NPPF.

- 12** Prior to the commencement of the development, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 13** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

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

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 14** 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 and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 15** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 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: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 17** 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 to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 18** Prior to the commencement of the development, an Energy and Sustainability Statement shall be submitted to, and approved in writing by, the local authority. The measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

- 19** No later than the submission of the first reserved matters application, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority.

REASON: To create a sustainable new community with a range of dwelling size, which contribute towards meeting need, in accordance with Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 20** Prior to work proceeding above slab level, to submit for approval details regarding the provision of a 3m combined shared footway/cycleway link to provide access to the Fritch Way, and, prior to occupation of the proposed development, construct the agreed link, to be maintained for the lifetime of the development

REASON: To provide a safe and convenient access for pedestrians and cyclists in the interest of highway safety and accessibility in accordance with ULP Policy GEN1 and the NPPF.

- 21** 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 an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 22** 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 an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 23** Prior to occupation of the 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 policy GEN1 and the NPPF.

- 24** Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and

along the nearside edge of the carriageway shown on drawing 2276-03/003 Rev K 28.07.23.

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 highway network in the interest of highway safety in accordance with ULP Policy GEN1 and the NPPF.

- 25** Prior to occupation of the development, the provision of an access formed at right angles to Baynard Avenue, as shown in principle on drawing no. 2276-03/003 Rev K 28.07.23 to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres; one 2 metre footway; one 3 metre shared cycle/footway and pedestrian crossing points.

REASON: To ensure that vehicles can enter and leave the existing highway network in a controlled manner in the interest of highway safety in accordance with ULP Policy GEN1.

- 26** Prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the 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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27** Prior to the first occupation of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans 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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 28** 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)

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

07:00 to 23:00

Resting - Living room 35 dB LAeq,16hour

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

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

23:00 to 07:00

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

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

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

Noise from the system will not present an adverse impact on occupants
The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions
The alternative means of ventilation shall be maintained thereafter.

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

- 30** If the development hereby approved does not commence within 12 months 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 abundance of Badger and
- ii. 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 of development.

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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 31** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered

storage for motorised and non-motorised cycles, an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

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

- 32** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Skilled Ecology, July 2022) as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. 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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 33** The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

5% of the dwellings hereby approved wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

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

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.

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

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

36 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to the building without the express consent of the local planning authority.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted airport An aviation perspective Glint and Glare assessment may be necessary in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

37 Details of the drainage system will be necessary at Reserved Matters stage; ideally there will be no ponds or large areas of permanent open water either from drainage attenuation or biodiversity enhancement.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

38 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.

39 A minimum of a single electric vehicle charging point shall be installed at each of the dwellings. These shall be provided, fully wired and connected, ready to use before first occupation.

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)”.and in accordance with the guidance in Approved Document S 2021.

Appendix 1 – Lead Local Flood Authority

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



Uttlesford District Council
Planning Services

Date: 31st January 2023
Our Ref: SUDS-006528
Your Ref: UTT/22/3470/OP

Dear Sir/Madam,

Consultation Response –UTT/22/3470/OP – Land North of Baynard Avenue, Flich Green

Thank you for your email received on 12/01/23 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

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

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

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

- Limiting discharge rates to 2.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party
- 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 *OR, if impracticable.*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning 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 \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances)

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

Appendix 2- Highway Authority

Travel Planning team

Director of Highways and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No.	UTT/22/3470/OP
Applicant	Mr D Metson Baker & Metson Limited
Site Location	Land North Of Baynard Avenue Baynard Avenue Flitch Green Essex CM6 3FD
Proposal	Hybrid Planning Application - Outline application for up to 72 dwellings (Use Class C3) together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) with all matters reserved, except access and structural landscaping. Full application for access and structural landscaping

This response supersedes the highway response dated 28th March 2023. Further to that response, a revised Transport Assessment (revision A 01.06.23) and revised Access Plans (2276-03/003 Rev J 04.07.23 and Rev K 28.07.23) have been submitted and reviewed by the highway authority.

The assessment of the application including its revised Transport Assessment has been undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112.

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 conditions:

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

2. Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and along the nearside edge of the carriageway shown on drawing 2276-03/003 Rev K 28.07.23. 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 highway network in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development, the provision of an access formed at right angles to Baynard Avenue, as shown in principle on drawing no. 2276-03/003 Rev K 28.07.23 to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres; one 2 metre footway; one 3 metre shared cycle/footway and pedestrian crossing points

Reason: To ensure that vehicles can enter and leave the existing highway network in a controlled manner in the interest of highway safety in accordance with policy DM1.

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:
 1. vehicle routing,
 2. the parking of vehicles of site operatives and visitors,
 3. loading and unloading of plant and materials,
 4. storage of plant and materials used in constructing the development,
 5. 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 DM1.

5. Prior to work proceeding above slab level, to submit for approval details regarding the provision of a 3m combined shared footway/cycleway link to provide access to the Fritch Way, and, prior to occupation of the proposed development, construct the agreed link, to be maintained for the lifetime of the development

Reason: To provide a safe and convenient access for pedestrians and cyclists in the interest of highway safety and accessibility in accordance with policies DM1, DM9 and DM17.

6. Prior to occupation of the proposed development, the payment of a £150,000 contribution (index linked) towards enhancement of public transport services in the vicinity of the site, to be spent improving the service to Chelmsford passing the site on Station Road

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.

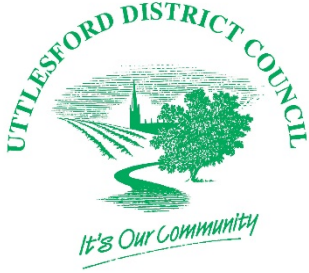
The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Notes:

- LTN 1/20 compliance table/report for cycle routes will be required for the development.
- A RSA1 for the proposed access and off-site highway improvement scheme to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval). Enquiries to: roadsafety.audit@essexhighways.org
- All highway related details should be agreed with the Highway Authority.

Informatives:

- (i) In making this recommendation the Highway Authority has treated all drawings relating to the internal layout of the proposal site as illustrative only
- (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 SMO2 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



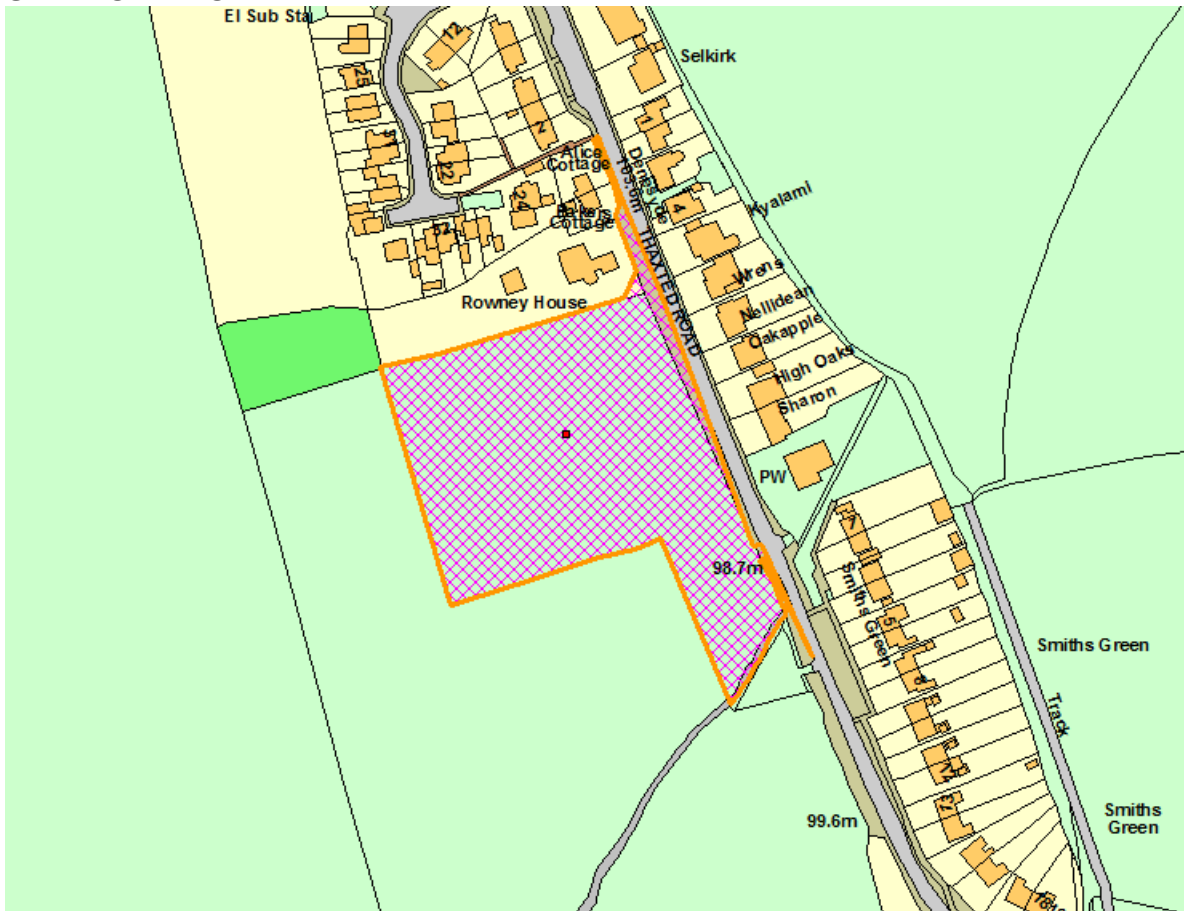
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 22 November 2023

REFERENCE NUMBER: UTT/23/0878/DFO

LOCATION: Land To The West Of
Thaxted Road
Debden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 25 September 2023

PROPOSAL: Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings – details of access, layout, scale, landscaping and appearance.

APPLICANT: Ford Homes Ltd

AGENT: Mr R Albone (BBR Design Ltd)

EXPIRY DATE: 04 July 2023

EOT EXPIRY DATE: 27 November 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Adjacent).
Tree Protection Order.
Within Areas A and B of Debden Radar.
Road Classification (Thaxted Road – Class III).
Within 2km of SSSI.
Public Right of Way (Footpath – West).
Public Right of Way (Footpath – South).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

1.1 This is a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following the outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units and a public open space to the front of the site.

1.2 The details of access, scale, appearance and layout are acceptable, as the proposed development would have limited impact on the character and appearance of the area and would safeguard the residential amenities of existing and future occupants. The proposal would not compromise highway safety as agreed by the Highway Authority and would provide appropriate parking arrangements. The development would also be acceptable in terms of ecology and biodiversity. The detailed surface water drainage scheme has been assessed and accepted by the Lead Local Flood Authority.

- 1.3 The landscaping proposals submitted with the application would require further details which shall be conditioned.
- 1.4 Affordable housing, education contributions, a public open space and a village hall contribution have been secured through the signed section 106 agreement at the outline stage of the development. The housing mix and affordable housing provision and mix are also supported by the Housing officer.
- 1.5 The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme – the position has not changed following the grant of the outline permission (UTT/20/0264/OP). Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

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) Conditions

3. **SITE LOCATION AND DESCRIPTION**

- 3.1 The application site comprises open, undeveloped land used as arable land, located to the west of Thaxted Road, adjacent to the development limits in the village of Debden. Thaxted Road runs north-south through the centre of Debden, providing a link for communities between Saffron Walden and Thaxted. The site is the south of Highfields, a small cul-de-sac, and Rowney House, within the garden of which two houses have been approved. There is ribbon development of housing to the east of the site on the opposite side of Thaxted Road. The site is generally raised above the level of Thaxted Road and falls towards the south-west corner. There are hedgerows alongside the highway and to the north and south of the site. The site is open to land to the west. Public footpaths run to the west and south of the site. The site is within the Environment Agency Flood Zone 1 and therefore not at risk from fluvial flooding.

4. **PROPOSAL**

- 4.1 This is a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following the outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units a public open space to the front of the site.
- 4.2 The application includes the following documents:

- Application form
- Desk based archaeological assessment
- Landscape and visual assessment
- Preliminary ecological appraisal
- Transport statement
- Flood risk assessment
- Revised transport statement
- Agent's response to highways
- Email correspondence
- Response to flood authority
- Response to case officer (revisions)
- Revised area schedule (by plot).

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/20/0264/OP	Outline permission with all matters reserved for the erection of 25 no. private and affordable dwellings.	Approved with conditions and a s106 agreement (03.10.2022).
UTT/18/1708/FUL	Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure, including 14 no. affordable housing units. With associated garages, landscaping and new access.	Refused and appeal dismissed (22.02.2019).
UTT/17/3047/PA	Erection of 25 dwellings on current agricultural land.	Closed (01.12.2017).

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

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this reserved matters application. No details have been submitted prior to the submission of this application of whether any community consultation with the public was

undertaken. However, a statement of community involvement had been submitted with the outline application (UTT/20/0264/OP).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

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

8.2 Local Flood Authority

8.2.1 No objections unconditionally – recommended discharge of condition 10 from the outline permission (see full response in Appendix 2).

8.3 Natural England

8.3.1 No comments (see full response in Appendix 3).

8.4 Manchester Airport Group

8.4.1 No objections subject to conditions (see full response in Appendix 4).

9. PARISH COUNCIL COMMENTS

9.1 Object:

- The Parish Council objected the outline application.
- Potential for further development.
- Missing design and access statement.
- Insufficient information about housing mix and tenure mix.
- Size and type of dwellings can be objected to.
- Highway safety concerns.
- Potentially insufficient parking provision.
- Clarifications needed regarding ownership of foul sewer.
- Concerns on boundary treatments and street lighting.
- Ecological and biodiversity concerns.
- Flood risk concerns.
- Residents contributing to a management company may compromise affordability.
- Appearance of dwelling more in keeping with properties in the area.
- More dwellings necessary for young and elderly with more parking.
- S106 necessary to restrict further development.
- Provision to prevent extensions, to prevent over-development.
- No pre-application discussions with the parish council.
- Public consultation with the developer necessary after the May elections.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections.

10.2 UDC Environmental Health

10.2.1 No objections subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No objections subject to conditions.

10.4 Place Services (Ecology)

10.4.1 No objections subject to a condition.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

10.6 Crime Prevention Officer

10.6.1 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.

10.7 Anglian Water

10.7.1 No comments as there is no connection to the Anglian Water sewers.

10.8 Affinity Water

10.8.1 No comments.

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
- Opportunity for local people to remain in the village.
 - Affordable housing provision.
 - Potential for young persons to own a house.
 - Appealing village and area.

11.3 Object

- 11.3.1
- Potential for further development.
 - Highway safety concerns.

- Flood risk and drainage concerns.
- Loss of arable land.
- Too large a development for the size of the village.
- No public consultation.
- Right to control the pace and nature of development in local community.
- Previously developed land alternatives not considered.
- Detrimental effect to the environment.
- Tandem parking arrangements unacceptable.
- Car reliance.
- Infrastructure capacity concerns.
- Loss of view and outlook.
- Noise, light pollution and other disturbances.
- Concerns over responsibility and maintenance of public open space.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Appropriate boundary treatments needed.
- Details needed for the wildlife strip on the northern boundary.
- Harm to protected tree.
- Trees on northern boundary within the curtilage of Rowney House.
- Land ownership issues (access, footpath).
- Out of date ecology report.
- Three storey buildings.
- Lack of green/sustainability credentials.
- Consultation with Natural England required.
- Concerns regarding the accessibility of the flats.
- Conflict with local and national policies.
- Loss of ancient verge.

11.4 Neutral

- 11.4.1**
- Scaled back application.
 - Affordable homes provision.
 - Affordable homes should be offers to local first-time buyers.
 - Restriction on future expansion of the site necessary.
 - Risk of creating housing estates within the village.
 - Rural character must be preserved.
 - Further loss of arable land must be prevented.
 - Public consultation necessary.

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 The Development Plan

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

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 Policy (2021)
 Essex County Council Developers' Guide to Infrastructure Contributions (2020)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Background
 - B) 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) Other matters

14.3 A) Background

14.3.1 The principle of the development was accepted in the outline permission granted under UTT/20/0264/OP (extant until 30 September 2025). The outline permission was granted subject to planning conditions and a

section 106 agreement. The s106 agreement set out the terms in which affordable housing, public open space and the village hall contribution would be defined.

14.3.2 Since the determination of the outline planning application, the local planning authority (LPA) published in October 2023 a 5-Year Housing Land Supply (5YHLS) of **5.24 years**¹; this figure includes the necessary 5% buffer. That said the LPA's Development Plan cannot be viewed as being fully up to date, and as such, paragraph 11(d) of the National Planning Policy Framework (2023) would still be engaged. The planning balance has already been applied in UTT/20/0264/OP and found the proposal to represent 'sustainable development' in the context of the NPPF.

14.3.3 The LPA has also adopted the Supplementary Planning Document (SPD) Developer Contributions (March 2023) as part of its development plan.

14.3.4 Notwithstanding the updated 5YHLS position and the adoption of a new SPD, there is material change in circumstances that would alter the view relating to principle. The proposal's compliance with the findings of the Planning Inspector² for a development of 36 no. dwellings that was dismissed on the wider site is explained in Section B.

14.4 B) Appearance, scale, layout, landscaping / Climate change

14.4.1 The scope of outline and reserved matters permissions is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It limits reserved matters approval to issues of access; appearance; landscaping; layout; and scale with the following definitions:

- 14.4.2**
- **“appearance”** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - **“landscaping”**, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;

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 APP/C1570/W/19/3231500 (UTT/18/1708/FUL) for a mix of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure and affordable housing – Appeal dismissed on 09 September 2019.

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
(e) the provision of other amenity features.

- “**layout**” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- “**scale**” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings.

14.4.3 Layout:

The proposed development would provide amenity spaces, a main internal road, footpaths and public open space for community interaction. The main road at the centre of the development would have soft landscaping features, including trees, that would highlight it as a focal point in the proposed layout. The proposed dwellings to the east of the application site would be aligned to the open space to its frontage facing onto Thaxted Road, creating a defined edge within the site and an appropriately unified front. Intra-site navigation would be easy and convenient.

14.4.4 The proposed dwellings will have sufficient private amenity spaces with appropriate distances between them and the existing neighbouring properties (see Section C). The apartment block (plots 13-17) would include communal space and all plots would be located close to the public open space to the front of the site. Refuse collection would take place from within the site, with refuse vehicles travelling in forward gear and appropriately spaced driveways to allow their turning to exit the site in a forward gear.

14.4.5 The Inspector for the appeal scheme (see plan) noted that the Highfields housing estate to the north of the site, above Rowney House, is not a prominent departure from the local pattern of development as it is screened from the wider rural landscape by a dense belt of planting to its west³. However, unlike the refused scheme, the proposed layout would be looser with less units/outbuildings and with the western boundary stepped back to coincide with that of the development envelope, which would offer a softer perception of the development to the users of the public footpath to the west of the site. Although no such belt of planting is proposed on the western boundary, the front layout of the site would include a public open space and the existing landscape buffer on the northern boundary would be enhanced by additional plantings (to be secured via condition). Also, unlike the refused scheme, the proposed layout would include three tiers of built form.

³ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 7.



14.4.6 The Crime Prevention officer raised **no objections** but noted concerns with the layout, requiring the details of the proposed lighting, boundary treatments and physical security measures (to be conditioned).

14.4.7 Therefore, the proposal would be a natural extension to the village rather than a prominent departure from the local pattern of development or visually separate and discordant incursion into the rural landscape as the appeal scheme⁴. The proposed layout would provide an appropriate siting of the dwellings, garages and public open space within the site that would be compatible with its surroundings and nearby residential development. The proposal would comply with policy GEN2 of the Local Plan and paragraph 130(a)-(d) of the NPPF.

14.4.8 Scale and appearance:
The appeal scheme was found to have a suburban character and layout due to its failure to reflect the local vernacular, the lack of a verdant character throughout the appeal site and its out-of-scale proportions in relation to Debden⁵. On the contrary, the current design of the proposed buildings would be responsive to the local vernacular, away from the previous unified and boxy appearances, taking design cues from traditional rural buildings in the countryside (including the Broctons Farm complex).

14.4.9 The traditional designs of the proposed dwellings would remove the generic suburban aesthetic of the previous scheme in favour of a distinct visual identity that would make the development compatible with the surrounding buildings and the edge of the village. The built form has been reduced in comparison to the appeal scheme. Although the proposed dwellings would be of varying scales⁶, there would be fewer units than the appeal scheme, and as such, the development would read as a “*natural*,

⁴ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 9.

⁵ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraphs 12-13.

⁶ Including larger detached dwellings, smaller semi-detached properties, a bungalow and a block of flats.

integrated and harmonious extension” to Debden⁷ and its landscape setting. The residential gardens and the natural elements and plantings in the proposed layout would offer a verdant character to the application site that the previous scheme failed to provide. Finally, the proposed materials would include the use of timber weatherboarding and brickworks that are more appropriate for this rural location (to be secured via condition). The proposal would comply with policy GEN2 of the Local Plan and paragraph 130(a)-(d) of the NPPF.

- 14.4.10** The Inspector also noted that the smaller scheme of 25 no. dwellings would be materially different to the appeal scheme for 36 no. dwellings; in his words *“Part of the site is allocated in draft Policy DEB1 of the emerging Local Plan. However, the emerging local plan is not at a stage where it can be given determinative weight. In any event, the draft allocation is for approximately 25 homes on a smaller parcel of land. A scheme coming forward in the context of this allocation, if adopted, would be materially different to what is before me”*⁸. Although the site has not been allocated in the latest draft Local Plan, outline permission has already been granted and the site is indeed materially different to the previous one for the reasons explained in Section B.
- 14.4.11** Notwithstanding the concerns raised from neighbouring occupiers regarding the size of the block of flats, this building would not be visually or spatially dominant within the application site nor as viewed from the public realm and the neighbouring properties. Plot 17 (flat 5) would be within the roof of the proposed building, and as such, the overall height of the block of flats would only be 2m higher than plots 11-12 next door and not significantly higher than the existing properties on this side of Thaxted Road. The appearance of the building as a 2.5-storey property and its location away from the edges of the development site would preserve the character and appearance of the area and streetscene.
- 14.4.12** The proposal would not involve any significant changes in the existing ground levels across the site and the proposed dwellings have been designed to respond in scale to the existing ground levels, as shown in the Revised Proposed Section drawings.
- 14.4.13** A condition is also necessary to improve accessibility and social inclusion for all potential users for the proposed building for plots 13-17, in accordance with policy GEN2(c) of the Local Plan, as recommended by the Housing officer.
- 14.4.14** Landscaping:
- 14.4.15** The landscape proposals would create a public open space to the front of the site that would contain wildflower meadows and mixed native hedging, whilst retaining the existing front hedge (except for the vehicular access).

⁷ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 13.

⁸ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 28.

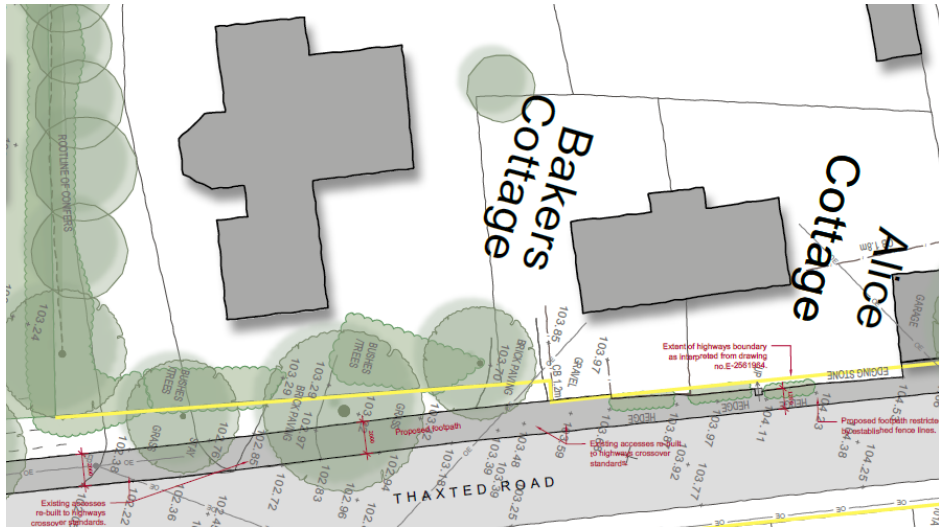
The landscape buffer on the northern boundary would also be enhanced with additional tree plantings and mixed native hedging. These features would create green infrastructure corridors within the site, improving the experience of highway users and softening the appearance of the proposed development as perceived from the neighbouring occupiers across the road to the east.

14.4.16 The Landscape officer raised **no objections** subject to conditions, as the proposal would not be harmful to the wider landscape. The conditions refer to hard and soft landscaping details and a condition to ensure replacement and/or filling for any loss of hedge or gaps in the existing hedge with replanted hedge at 3 no. subjects per metre run inclusive of existing. Despite the submitted Proposed Landscaping Plan, further details are required (including photographs and specifications) for the proposed hard and soft landscaping features. The Landscape officer advised that close boarded fencing should be avoided to the western and southern boundaries (facing onto open arable fields), and a continued hedge or post and rail fencing would be necessary at the southern boundary of the site between plots 25 and 09.

14.4.17 Notwithstanding the concerns raised by third parties, the Landscape officer confirmed that the risk to the protected tree⁹ to the front of Rowney House, by the proposed footway, would be less than substantial. Despite the Inspector's concerns that "*It has not been demonstrated how the provision of a pavement along Thaxted Road would be compatible with the retention of this tree*"¹⁰, the previous case officer for the outline application (UTT/20/0264/OP) stated that the submitted drawing titled Proposed Footpath Link would demonstrate that the TPO tree would be retained due to the limited infringement of the hardstanding over its root protection area and protective measures during construction works (to be conditioned). The same applies for the current application, as the same drawing was submitted. Given that these protective measures would be within the application site, as shown in the Location Plan, the condition would comply with the tests in paragraph 56 of the NPPF.

⁹ Tree Preservation Order (TPO).

¹⁰ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 30.



14.4.18 Climate change:

The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. An Energy Statement or other relevant information have not been submitted with the application; however, an appropriate condition can be used to ensure 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. Water efficiency must be at a total water consumption of 110 litres per person per day (or less) as set out in policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan.

14.5 **C) Residential amenity**

14.5.1 In terms of the residential amenity of the occupants, the proposed units 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):

- Plot 1: 3B4P¹¹ (> threshold 84sqm)
- Plot 2: 3B4P (> threshold 84sqm)
- Plot 3: 3B4P (> threshold 84sqm)
- Plot 4: 3B5P (> threshold 93sqm)
- Plot 5: 3B5P (> threshold 93sqm)
- Plot 6: 3B4P (> threshold 84sqm)
- Plot 7: 3B4P (> threshold 84sqm)
- Plot 8: 4B6P (> threshold 106sqm)
- Plot 9: 4B6P (> threshold 106sqm)
- Plot 10: 5B7P (> threshold 119sqm), including home office
- Plot 11: 3B4P (> threshold 84sqm)
- Plot 12: 3B4P (> threshold 84sqm)
- Plot 13-17:
- Plot 13 (Flat 1): 2B2P (> threshold 61sqm)

¹¹ 3B4P = 3 no. bedrooms – 4 no. persons.

- Plot 14 (Flat 2): 1B2P (> threshold 50sqm)
- Plot 15 (Flat 3): 2B2P (> threshold 61sqm)
- Plot 16 (Flat 4): 1B2P (> threshold 50sqm)
- Plot 17 (Flat 5): 2B3P (= threshold 61sqm)
- Plot 18: 2B3P (> threshold 61sqm)
- Plot 19: 3B4P (> threshold 84sqm)
- Plot 20: 3B4P (> threshold 84sqm)
- Plot 21: 3B4P (> threshold 84sqm)
- Plot 22: 3B4P (> threshold 84sqm)
- Plot 23: 4B6P (> threshold 106sqm)
- Plot 24: 4B6P (> threshold 106sqm)
- Plot 25: 4B6P (> threshold 106sqm), not including home office or study as they are below 7.5sqm.

14.5.2 Therefore, the proposed dwellings and flats have GIAs that do not fall below the minimum thresholds of the NDSS, and as such, the proposed units offer appropriate living accommodation for their future occupants, by way of providing adequate floor space, to the benefit of their residential amenity. The proposal would 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, following minor revisions, the proposed plots have the following garden areas:

- Plot 1: 127.1 sqm of rear garden
- Plot 2: 113.1 sqm
- Plot 3: 119.4 sqm
- Plot 4: 104.7 sqm
- Plot 5: 134.8 sqm
- Plot 6: 106.1 sqm
- Plot 7: 105.4 sqm
- Plot 8: 212.1 sqm
- Plot 9: 138.6 sqm
- Plot 10: 144.5 sqm
- Plot 11: 101.9 sqm
- Plot 12: 110.1 sqm
- Plots 13 – 17: 173.9 sqm (flats)
- Plot 18: 111 sqm
- Plot 19: 101.1 sqm
- Plot 20: 103.2 sqm
- Plot 21: 101 sqm
- Plot 22: 100.8 sqm
- Plot 23: 100.8 sqm
- Plot 24: 100.1 sqm
- Plot 25: 154.9 sqm.

14.5.4 Considering the above and in comparison to the minimum thresholds set out in the Essex Design Guide, the proposed units would have adequate gardens (or communal garden in the case of the proposed block of flats)

that would satisfy the Essex Design Guide. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.5 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). The condition refers to noise controls on air source heat pumps. It should be noted also that a condition for a Construction Method Statement and other conditions were recommended by Environmental Health at the outline stage and remain relevant. In any case, a condition to control the use of external lighting in order to safeguard residential amenities within and outside the site is necessary.

14.5.6 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 and for the impact on the future occupants of the proposed units in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.7 Potential overlooking and loss of privacy:
Notwithstanding the comments from neighbouring occupiers regarding the potential loss of privacy, the proposed development would not materially harm the residential amenity of any existing neighbouring occupiers.

- **Plots 1 and 9 / plots 3 and 10:**
 - Following revisions, back-to-back distances have exceeded the 25m threshold, and as such, actual and perceived overlooking between back-to-back habitable room windows at rear elevations would be eliminated.
- **Plot 18:**
 - Plot 18 is a bungalow but first-floor bedroom windows from the extant planning permission at the rear of Rowney House (UTT/22/1639/FUL) would be overlooking the private garden of plot 18. However, the distance between the front façade of the extant dwelling next door to the nearest corner of plot 18 would be 10.6m and views to the garden would be angled. Although the proposed green screening on the northern site boundary cannot be relied upon continuously due to health and season, the indirect views into the private garden of plot 18 would not materially harm the residential amenity of the future occupants of plot 18.
- **Plots 13-17:**
 - There are no windows at upper floor level facing north towards the dwelling approved in the extant permission under UTT/22/1639/FUL and the communal garden of plots 13-17 would remain private, as the extant unit to the back of Rowney House would have 2 no. small bedroom windows at first-floor level facing south towards the blank east elevation of plots 13-17.

- **Plot 8:**
 - There are no side facing windows at upper floor level in plot 8 and the location of Rowney House would exclude the possibility of a compromise in the residential amenity (privacy) of the existing or future occupants of those residential units.

14.5.8 Potential overshadowing and loss of light:
Following careful considerations of the objections submitted by neighbouring occupiers, due to their size, scale and position, the proposed buildings would not lead to material overshadowing of, and loss of light to, the private gardens or habitable room windows of any proposed, extant or existing properties that would harm the residential amenity of their occupiers.

14.5.9 Potential overbearing effects:
Given the appropriate gaps between the buildings and the position of plots 13-17 away from the northern site boundary, the scheme would not amount to an overbearing impact ('tunnelling effect' or 'sense of enclosure') that would harm the residential amenity of any neighbouring or prospected occupiers.

14.5.10 Overall, the proposal would not materially harm residential amenities of existing and future occupants and would comply with policy GEN2 of the Local Plan, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking

14.6.1 Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines '**access**' as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

14.6.2 From a highway and transportation perspective and notwithstanding the concerns raised by third parties, following revisions and the submission of additional information, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord 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. The conditions refer to the construction of the access, the surface treatment of the access, the provision of parking and turning areas and the provision of a 2m-wide footway along the western side of Thaxted Road. Conditions 4 (visibility splays), 5 (footway), 6 (improvements to passenger transport infrastructure), 7 (Construction Management Plan) and 8 (residential travel information pack) remain relevant as part of the outline permission.

14.6.3 The required parking spaces as per the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards

(2009), as well as the parking spaces proposed by the application, are as follows:

	Bedrooms	Required parking	Proposed parking	Test
Plot 1	3-bed	2	2	Yes
Plot 2	3-bed	2	2	Yes
Plot 3	3-bed	2	2	Yes
Plot 4	3-bed	2	2	Yes
Plot 5	3-bed	2	3	Yes
Plot 6	2-bed	2	2	Yes
Plot 7	2-bed	2	2	Yes
Plot 8	4-bed	3	3	Yes
Plot 9	4-bed	3	3	Yes
Plot 10	5-bed	3	3	Yes
Plot 11	3-bed	2	2	Yes
Plot 12	3-bed	2	2	Yes
Plot 13	2-bed	2	2	Yes
Plot 14	1-bed	1	1	Yes
Plot 15	2-bed	2	2	Yes
Plot 16	1-bed	1	1	Yes
Plot 17	2-bed	2	2	Yes
Plot 18	2-bed	2	2	Yes
Plot 19	3-bed	2	2	Yes
Plot 20	3-bed	2	2	Yes
Plot 21	2-bed	2	2	Yes
Plot 22	2-bed	2	2	Yes
Plot 23	4-bed	3	3	Yes
Plot 24	4-bed	3	3	Yes
Plot 25	4-bed	3	6	Yes

14.6.4 The total spaces for residents would be 48 no. parking spaces¹² of appropriate dimensions and the visitors' parking spaces would be 6 no. spaces. Notwithstanding the objections and concerns raised by neighbours, "*tandem parking is acceptable on-plot, within the curtilage of a dwelling but should be discouraged in areas which offer general access, e.g. parking courts*"¹³. Tandem parking has been successfully avoided in the parking court for plots 13-17 and would also allow a more flexible layout that focuses on the proposed dwellings and green infrastructure instead of being visually dominated by parking spaces. The proposed parking arrangements would comply with the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), as well as policy GEN8 of the Local Plan.

14.6.5 The proposed garages and cycle sheds provide appropriate numbers of cycle spaces in accordance with the requirements of the Essex County Council Parking Standards (2009).

14.7 E) Ecology

¹² Parking arrangements are shown in the Revised Proposed Site Plan; the Parking Plan should be considered out of date and superseded.

¹³ Essex County Council Parking Standards (2009), paragraph 3.4.22.

14.7.1 The Ecology officer raised **no objections** subject to a condition 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. The condition refers to further surveys for mobile protected species, and as such, the concerns raised by third parties over the validity of the ecological data included in the application are addressed. In addition, condition 15 (action in accordance with appraisal recommendations), 16 (construction environmental plan), 17 (biodiversity enhancement strategy), 18 (landscape and ecological management plan) and 19 (lighting scheme) from the outline permission under UTT/20/0264/OP remain relevant. Natural England has **refrained** from commenting.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health officer raised **no objections** subject to a condition to protect human health and the environment. The development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to electric car chargers per unit as promoted by paragraph 107 of the NPPF. However, this has already been imposed as condition 9 in the outline permission (UTT/20/0264/OP) and shall not be repeated in the reserved matters permission. Condition 14 (potential land contamination) is also relevant from the outline permission.

14.9 G) Archaeology

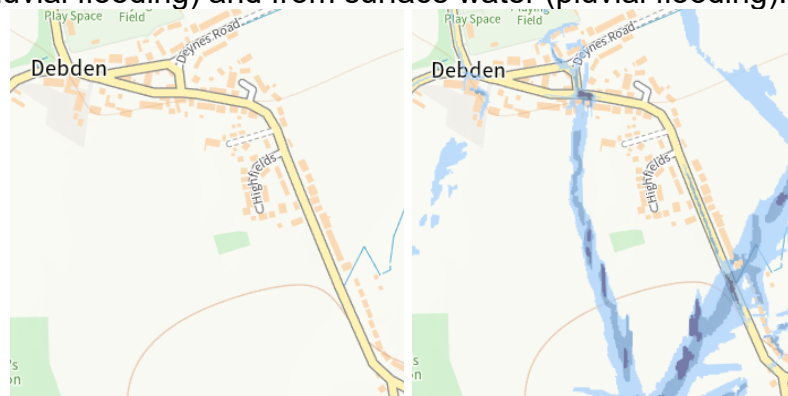
14.9.1 Archaeology reported that the proposed development “*lies within a potentially sensitive area of heritage assets*”. The Archaeology officer raised **no objections** subject to conditions; however, the conditions refer to a programme of archaeological investigation through trial trenching followed by open area excavation, which has already been covered in condition 20 of the outline permission (UTT/20/0264/OP). 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. These criteria apply on this occasion, and as such, an FRA was submitted with the application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding).



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 Following the submission of an updated FRA and additional flood risk information, Essex County Council (as the Lead Local Flood Authority, LLFA) raised **no objections** to the development as the information required by condition 10 in the outline permission under UTT/20/0264/OP have been submitted and agreed to. Condition 10 required the submission of 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 (along with other technical requirements). This surface water drainage scheme would prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site, ensure the effective operation of SuDS¹⁴ features over the lifetime of the development and provide mitigation of any environmental harm which may be caused to the local water environment. The LLFA support to the scheme means that it has been demonstrated that the proposed development would not increase flood risk on the site or elsewhere and that the operation of the proposed SuDS would be effective, in accordance with paragraph 167 of the NPPF and policy GEN3

¹⁴ Sustainable Urban Drainage Systems.

of the Local Plan. As such, notwithstanding the concerns raised by the Parish Council and neighbours, the proposal would not place an unacceptable risk to human lives and would not lead to property damages.

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), requiring a significant proportion of market housing comprising small properties. 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 Local Housing Needs Assessment (LHNA) Update (October 2023) prepared for the Draft Uttlesford Local Plan 2021 – 2041 (Regulation 18) recommends the following housing mix:

	1-bedroom	2-bedrooms	3-bedrooms	4+ bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	45%	25%	10%
Affordable housing (rented)	35%	35%	25%	5%

14.11.2 The proposed development would include the following housing mix:

	1-bed	2-bed	3-bed	4+-bed	Total
Market	-	-	9 (60%)	6 (40%)	15
Affordable shared ownership	-	-	3 (100%)	-	3 (30%)
Affordable rent	2 (29%)	4 (57%)	1 (14%)	-	7 (70%)
Total	2	4	13	6	25

14.11.3 The LHNA shows there is a particular need for 2-bed accommodation and for rented affordable housing to provide a range of different sizes of homes, including 30% of 3+ bedroom properties. However, this evidence has not yet been formally accepted by the LPA and holds limited weight. In any case, the Housing officer raised **no objections** to the proposed housing mix and affordable housing provision, as the affordable tenure split is 70% affordable rent and 30% shared ownership. The development would comply with policy H10 of the Local Plan.

14.11.4 The 40% affordable housing contribution is triggered as the site exceeds 0.5 hectare and the scheme comprises a 'major development'¹⁵. The

¹⁵ '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 1,000 sqm 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.

application would provide 10 no. affordable units (40% of the total number of units) that has already been secured through the signed s106 agreement. Again, the Housing officer supports the affordable housing provision and mix that would be provided by the proposal. The development would comply with policy H9 of the Local Plan.

14.12 J) Other matters

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

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 details of access, scale, appearance and layout are acceptable, as the proposed development would have limited impact on the character and appearance of the area and would safeguard the residential

amenities of existing and future occupants. The proposal would not compromise highway safety as agreed by the Highway Authority and would provide appropriate parking arrangements. The development would also be acceptable in terms of ecology and biodiversity. The detailed surface water drainage scheme has been assessed and accepted by the Lead Local Flood Authority.

- 16.2** The landscaping proposals submitted with the application would require further details which shall be conditioned.
- 16.3** Affordable housing, education contributions, a public open space and a village hall contribution have been secured through the signed section 106 agreement at the outline stage of the development. The housing mix and affordable housing provision and mix are also supported by the Housing officer.
- 16.4** The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme – the position has not changed following the grant of the outline permission (UTT/20/0264/OP). Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.
- 16.5** It is therefore recommended that the application be approved subject to conditions.

17. CONDITIONS

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

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

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

REASON: To preserve the character and appearance of the area, and to ensure the development is visually attractive, in accordance with policies S7, GEN2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 3** Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including photographs) shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance 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 preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 4** Prior to commencement of the development hereby approved, supplementary ecological surveys for badgers to inform the preparation and implementation of ecological mitigation measures required shall be submitted to and approved in writing by the local planning authority.

The supplementary ecological surveys for badgers shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Thereafter, the approved supplementary ecological surveys for badgers shall include ecological mitigation measures which shall be implemented prior to occupation of the development hereby approved as agreed in the Preliminary Ecological Appraisal (Skilled Ecology Ltd, Updated March 2019), or (if shown to be necessary by the approved supplementary ecological surveys for badgers) shall amend and update the ecological

mitigation measures which shall be implemented prior to occupation of the development hereby approved.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 5** Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be 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 CMS shall also include protective measures for the protected tree under the Tree Preservation Order to front of Rowney House. Thereafter, the approved CMS shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities and to protect important environmental features of amenity value, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV3, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 6** Prior to any works above slab level, the energy and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development hereby approved shall not be occupied until all the approved energy and water efficiency measures have been implemented.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policy GEN2, as well as Uttlesford District Council's Interim Climate Change Planning Policy (2023) and the Uttlesford Climate Change Strategy 2021-2030.

- 7** Prior to occupation of the flats in plots 13 – 17, revised floor plans shall be submitted to and approved in writing by the local planning authority, showing a lift to serve all floors and flats within the approved building.

REASON: To improve accessibility and social inclusion for all potential users, in compliance with the adopted Uttlesford Local Plan Policy GEN2(c), and the National Planning Policy Framework (2023).

- 8** 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 accessing the site for the intended purpose, to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. Thereafter, the access shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that safe, efficient, and improved accessibility is provided for all highway users in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 9** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, a 2-metre wide footway shall be provided along the western side of Thaxted Road to extend from the approved access to the south until it meets the existing footpath as shown in the Proposed Footpath Link drawing hereby approved (reference PL43). The footway shall include a pedestrian crossing point to connect to the existing footway on the eastern side of Thaxted Road. Thereafter, the footway and crossing point shall be retained as such at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 11** Prior to first use, 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. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 13** Any loss of hedge on the site's frontage and any gaps in the existing hedge on the site's frontage shall be replaced and/or filled with replanted native species mixed hedge at 3 no. subjects per metre run inclusive of existing.

REASON: To preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 14** If air source heat pumps are installed at the development, they must be specified, designed, enclosed or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of the British Standard 4142:2014.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV10, ENV11, and the National Planning Policy Framework (2023).

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

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 16** No dust/smoke clouds and pools/ponds of water shall occur or be created on or above the site. No airborne debris shall be created on or blown from the site from any waste materials. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no reflective materials (such as solar panels) shall be added to the building without the express consent in writing by the local planning authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS (HIGHWAY AUTHORITY)

Your Ref: UTT/23/0878/DFO
Our Ref: 31506
Date: 22nd September 2023



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/23/0878/DFO
Applicant Ford Homes Ltd
Site Location Land To The West Of Thaxted Road Debden Essex
Proposal Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance

SUPERSEDES PREVIOUS RECOMMENDATION ISSUED 11TH MAY 2023

Conditions 4, 5, 6, 7 and 8 of UTT/20/0264/OP provide details of visibility splays, footway provision, improvements to passenger transport infrastructure, construction management plan and Residential Travel information plan. As these Highway matters have been previously covered no further mention will be made in the current application but the above conditions remain relevant and applicable to the proposal.

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, and shall be provided with an appropriate dropped kerb vehicular

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

2. 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
3. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety
4. Prior to occupation of any dwelling, a 2-metre footway shall be provided along the western side Thaxted Road from the proposed access to the south, to extend along the site's frontage and to include a pedestrian crossing point to connect to the existing footway on the eastern side of Thaxted road.

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. Within the limits of the junction with Thaxted Road, the longitudinal gradient of the proposed access road should not be steeper than 2.5% within the first 15m as measured from the channel of the main road.
- v. 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.

- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- viii. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- ix. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding
- x. The development is not likely to be adopted by Essex County Council



.....
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: 9th August 2023
Our Ref: SUDS-006710
Your Ref: UTT/23/0878/DFO

Dear Avgerinos,

Consultation Response – UTT/23/0878/DFO – Land West of Thaxted Road, Debden

In response to your email of 04/08/23, I can find no record of having been re-consulted on the above application. However, I note the additional information submitted by the applicant which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object to** the discharge of condition 10 of UTT/20/0264/OP.

We also have the following advisory comments:

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

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

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

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

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

Yours 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.

APPENDIX 3 – NATURAL ENGLAND

From: [SM-NE-Consultations \(NE\)](#)
To: [Planning](#)
Subject: [External] UTT/23/0878/DFO – Consultation response
Date: 14 April 2023 11:41:43
Attachments: [image001.png](#)
[ufm19 CONS - Consultee Letterm.pdf](#)

Dear Sir/Madam

Application ref: **UTT/23/0878/DFO**

Our ref: **428733**

Natural England has no comments to make on this reserved matters application.

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

Natural England and the Forestry Commission have also published standing advice on [ancient woodland, ancient and veteran trees](#) which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Loz Burrige

Natural England

Consultation Service

Hornbeam House

Crewe Business Park, Electra Way,

Crewe, Cheshire, CW1 6GJ

Enquiries line: 0300 060 3900

Email: consultations@naturalengland.org.uk

www.gov.uk/natural-england



APPENDIX 4 – SAFEGUARDING AUTHORITY FOR STANSTED AIRPORT



AERODROME SAFEGUARDING RESPONSE

Response under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002

APPLICATION DETAILS

Ref:

Local Planning Authority:	
UDC	
Application No:	Application Type:
UTT/23/0878/DFO	DFO
Development Proposal:	
Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance.	
Location:	OS Co-ordinates (Eastings/Northings):
Land To The West Of Thaxted Road Debden	555883 / 233121

As safeguarding authority for Stansted Airport our response, under the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, is as follows:

- No Objection
 Crane Advisory Permit
 Need to engage with MAG Safeguarding
 Request Conditions
 Objection

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

- During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur and measures taken to prevent scavenging of any detritus.

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

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

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to the building without the express consent of the local planning authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN. An aviation perspective Glint and Glare assessment may be necessary.

Informatives:

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:
<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order ("Order"). In particular in contravention of the following provisions under that Order:-

Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

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

Name: Diane Jackson - Authorised MAG Aerodrome Safeguarding Officer

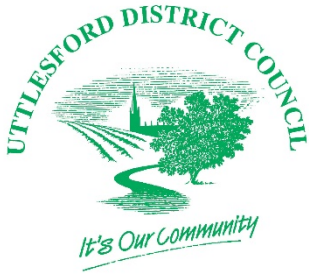
Signed: 

Date: 06/04/2023

The appropriate office for the purpose of consultation is:

Head of Planning and Infrastructure
Enterprise House,
Bassingbourn Road,
Essex
CM24 1QW

[Email: aerodrome_safeguarding@stanstedairport.com](mailto:aerodrome_safeguarding@stanstedairport.com)



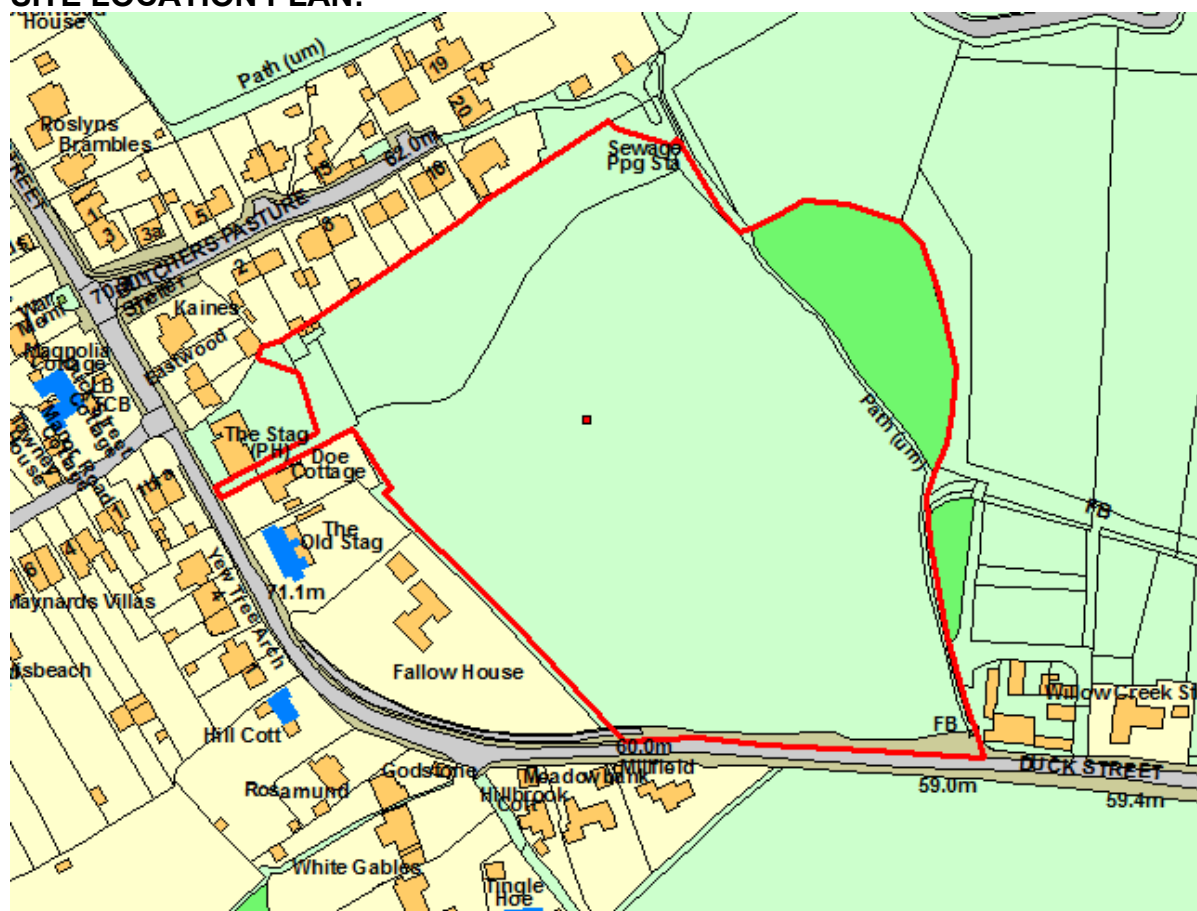
ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 22nd November 2023

REFERENCE NUMBER: UTT/23/1439/FUL

LOCATION: Land east of The Stag Inn, Duck Street, Little Easton,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: November 2023

PROPOSAL: S73 planning application – variation of conditions 25 (commercial units Class E) and 26 (approved plans) of planning permission UTT/21/1495/FUL to allow amended plans for 44 residential units and 3 commercial units (flexible space); inclusion of 3 additional plots for self- build homes together with associated access, car parking and landscaping

APPLICANT: Denbury Homes Ltd

AGENT: Mr Peter McKeown

EXPIRY DATE: 20th September 2023

EOT EXPIRY DATE: 28th November 2023

CASE OFFICER: Tom Gabriel

NOTATION: Outside development limits, PRow, TPOs and Flood Zone 2 on the boundary but not within the site, in the setting of a Grade II listed building

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 This scheme seeks planning permission for 44 residential units and 3 commercial units (flexible space), the inclusion of 3 addition plots for self-build homes, together with associated access, car parking 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 to the character or 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 application site is located on the northern side of Duck Street on the eastern periphery of Little Easton. It is approximately 3 hectares in size, irregular in shape and has a modest slope that falls from east to west.
- 3.2 The site is vacant of any built form and remains open grassland. It has a lawful use to be used for recreational purposes in association with the adjoining public house for no more than 28 days a year.
- 3.3 Extensive vegetation in the form of a hedgerow and a mixture of shrubs and bushes and a variety of tree species is located along the boundaries of the site. An unmade public footpath just inside the northern and eastern boundaries of the site extends from Duck Street to Butchers Paradise.
- 3.4 Dwellings fronting Butchers Paradise back onto the northern boundary of the site. The public house known as The Stag Inn (a grade II listed building) abuts the northwestern boundary of the site along with a thatched cottage known as 'Old Stag'. Duck Street bounds the site to the south whilst 'Willow Creek Stud' abuts it to the east. Modest sized fields are located to the northeast of the site whilst Chelmer River and Bush Wood are located beyond.

4. PROPOSED DEVELOPMENT

- 4.1 44 residential units split between affordable and open market.
- 4.2 3 employment units.
- 4.3 The residential provision would comprise:

Private homes – 26 units

- 12no. three bed detached houses
- 2no. three bed bungalows
- 7no. four bed detached houses
- 5no. five bed house

Affordable homes – 18 units

- 5no. one bed bungalows
- 2no. two bed bungalows (one M(4) 3 specification)
- 1no. three bed bungalow (M(4) 3 specification)
- 6no. two bed houses
- 4no. three bed houses

4.4 Three of the units are to be self- build units.

4.5 The commercial provision would comprise three units in the northwestern corner of the site, adjacent to The Stag Inn.

4.6 The typologies of the dwellings are predominantly detached with a small number of semi- detached and terraced dwellings proposed, spread across both the open market and affordable elements of the scheme.

4.7 The proposal differs from the approved scheme on the site in the following ways;

- The re- siting of the third commercial unit with the other two units in the northwestern corner of the site;
- The relocation of the self- build plots further within the site;
- The reconfiguration of the southern road;
- Changes to the mix of dwellings, though maintaining the same number of affordable dwellings; and
- Changes to the design and materials of the 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
UTT/15/2069/OP	Outline application for a development of up to 65 dwellings with all matters reserved except for access	Refused
UTT/21/1495/FUL	Erection of 44 residential units and 3 commercial units (flexible space), inclusion of 3 additional plots for self- build homes; together with access, car parking and landscaping	Granted

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

7.1 The Council is not aware of any consultation exercise carried out by the applicant in accordance best practice and the Statement of Community Involvement. No pre - application advice has been provided for the development.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 The comments from the Highway Authority will be reported in the Late List or verbally at the committee meeting.

8.2 Local Flood Authority

8.2.1 Having reviewed the Flood Risk Assessment, we do not object to the granting of planning permission, subject to conditions regarding the development be carried out in accordance with the approved Flood Risk Assessment; a scheme to minimise the risk of off- site flooding being submitted to and approved in writing by the Local Planning Authority; maintenance arrangements for the different elements of the surface water drainage system; and the keeping of yearly logs of maintenance for the drainage system.

8.3 Historic England

8.3.1 Historic England provides advice when our engagement can add most value. In this case, we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist archaeological advisors. It is not necessary to consult us on this application again unless there are material changes to the proposals.

9. PARISH COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 I support this application as it includes both plot 11 and plot 17 as M4(3) wheelchair user bungalows specifically for two local households upon the Council's Housing Register, identified as requiring this type of property. If approved, this would greatly assist these two families who have members who are wheelchair users.

10.2 UDC Environmental Health

Contaminated land

- 10.2.1** Any contamination risks that may be present on the site must be identified, assessed and where necessary, remediated to a suitable standard. A condition regarding a Phase 1 Desk Study report and where necessary a Phase 2 Site Investigation and as required, a Phase 3 remediation scheme shall be submitted to the Local Planning Authority.

Environmental Noise

- 10.2.2** The plan to locate the commercial buildings and parking next to the existing residential properties has the potential to cause a loss of amenity. A noise assessment should be carried out prior to each unit being occupied to ensure that the proposed use is suitable for the location. A noise impact assessment condition is recommended.

Construction/ Demolition

- 10.2.3** A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to the neighbouring properties during construction. This may be achieved by condition.

External Lighting

- 10.2.4** In view of the rural location of the site, it is essential to ensure any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbouring properties. A condition is recommended.

Air Quality

- 10.2.5** The NPPF supports the provision of measures to minimise the impact of development on air quality by encouraging non- car travel and providing infrastructure to support the use of low emissions vehicles. A condition requiring charging points for electric vehicles is requested.

- 10.2.6** Informatives regarding energy saving and renewable technologies are suggested.

10.3 Place Services (Conservation and Heritage)

- 10.3.1** The application site is located to the rear of The Stag Inn, adjacent to which is a Grade II listed cottage, across the road is a Grade II listed house and to north of the site is another Grade II listed house.

I have reviewed the amended details of the scheme. In my opinion, the effect of relocating the third commercial unit to the north west of the site and the other changes will have a neutral effect with regards to the setting of the listed building and thus I have no concerns about these changes.

I note the design of the dwellings has been amended to a more traditional vernacular from the more contemporary design of the approved scheme.

In principle, this is more likely to meet the requirements of paragraph 130 c) of the NPPF, that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and thus I would support this change. I note however, that some details have been provided regarding the proposed materials palette and a proposal for concrete roof tiles. In my opinion, these would be a poor-quality roofing material in this context. A materials condition is suggested.

10.4 Place Services (Ecology)

10.4.1 The response will be reported in the Late List or verbally at the committee meeting.

10.5 Crime Prevention Officer

10.5.1 UDC Local Plan Policy GEN2 – Design (d) – states ‘It helps reduce the potential for crime’. Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatment 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 Secured by Design Homes and Commercial awards. 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 benefitting both the residents and the wider community.

10.6 Anglian Water

10.6.1 Assets

Section 1 – Assets Affected

10.6.2 There are assets owned by Anglian Water or those subject to adoption agreement within or close to the development boundary that may affect the layout of the site.

10.6.3 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.

10.6.4 The development site is within 15m of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be

easily relocated. Dwellings located within 15m of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

- 10.6.5** The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that a development within 15m from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Wastewater Services

Section 2 – Wastewater Treatment

- 10.6.6** The foul drainage from this development is in the catchment of Great Easton (Essex) Water Recycling Centre which currently does not have the capacity to treat the flows from 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 planning permission be granted.

Section 3 – Used Water Network

- 10.6.7** The sewerage system at present has available capacity for these flows to connect by gravity to 0101 or downstream of this. If the developer wishes to connect to our sewerage network, they should serve notice under section 106 of the Water Industry Act 1991. Informatives regarding the intention to connect to the public sewer, the protection of existing assets, building near a public sewer and that the site drainage details have not been approved for the purposes of adoption, should be attached to any permission granted.

Section 4 – Surface Water Disposal

- 10.6.8** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to a sewer seen as the last option.
- 10.6.9** From the details submitted, the proposed method of surface water management does not relate to Anglian Water operated assets.

10.7 Aerodrome Safeguarding

- 10.7.1** We must lodge a holding objection to this variation application because there is insufficient information currently to enable us to determine the level of risk posed by the changes to the SuDS proposals. Further details are required about the proposed single large basin; we need clarity about

how often and for how long this basin is designed to hold water. It may be a larger attractant for waterfowl. Ideally at this location, the drainage basin would be generally dry, holding water only during and immediately after a 1:30 year storm event or greater, with a quick drain down time. If this is not possible, then any areas of permanent or frequent inundation should be kept to a minimum and designed to be as unattractive as possible for hazardous birds.

Upon requesting clarification of whether MAG would be satisfied for a condition regarding the details of the large basin to be imposed upon any permission granted, they responded;

We are content to withdraw our holding objection subject to a condition that the SuDS basin is maintained and will not be allowed to clog and thereby hold water over time, in the interests of flight safety and avoiding birdstrike. The other conditions requested for UTT/21/1495/FUL stand and should be conveyed to this variation.

11. REPRESENTATIONS

11.1 A site notice was displayed on site, the application was advertised in the local press and 151 notifications letters were sent to nearby properties.

11.2 Support

11.2.1 None.

11.3 Object

11.3.1 The site is in a flood plain.
It is only accessible from a narrow pot- holed road with an access on a sharply inclined bend, with poor visibility.
There are regular sewage outbreaks here.
It is an unsustainable location with reliance on the private car.
The commercial units would not survive.
The variation application is unclear on how many parking spaces would remain for the Stag Inn.
The siting of all the commercial units in one area of the site would mean that all commercial vehicles would have to traverse the site to reach their destination; additional noise, disturbance and pollution would result.
The development would harm the village.
It would result in harm to highway safety and gridlock.
Why are the commercial units required? What would they be used for?
There is already demand for more services and facilities in the area: the development will exacerbate this.
Harm to flora and fauna would result.
Duck Street has no footpaths other than at Mill End; the traffic arising from the development would increase danger to pedestrians.

Construction traffic would add to the danger and problems caused by this development.

The development would exacerbate the risk of flooding in the area.

Is there a new for more houses here, with so many being built in the area?

11.4 Comment

11.4.1 The above representations are addressed in the report.

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

c) any other material considerations.

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

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted January 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 Plan 2005

13.2.1 S7 – The Countryside
GEN1- Access
GEN2 – Design
GEN3 -Flood Protection
GEN4 - Good Neighbourliness
GEN6 - Infrastructure Provision
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
H1 – Housing Development
H9 - Affordable Housing
H10 - Housing Mix
ENV2 - Development affecting Listed Buildings
ENV3 - Open Space and Trees
ENV4 - Ancient monuments and Sites of Archaeological Importance
ENV14 – Contaminated Land

13.3 Neighbourhood Plan

13.3.1 There is not a '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) The principle of the development**
 - B) Access**
 - C) Design**

- D) Landscaping
- E) Parking standards
- F) Neighbour amenity
- G) Housing mix
- H) Affordable housing
- I) Trees and protected or priority species
- J) Other issues

14.3 A) The principle of the development

14.3.1 Section 38(6) of the Planning and Compulsory Purchases Act 2004 states planning applications must be determined in accordance with planning policies in the Development Plan unless material considerations indicate otherwise. The policies contained in the National Planning Policy Framework (NPPF) are also a material 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). Little Easton does not have a Neighbourhood Plan.

14.3.2 The NPPF emphasises 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 – economic, social and environmental.

14.3.3 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 the policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the application; 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.

14.3.4 The principle of the development has been established through the grant of the previous permission on the site (ref. UTT/21/1495/FUL). The issues to consider in this application are whether the proposed amendments to the approved scheme on the site is sufficiently different to warrant a different outcome to the application. The differences between the schemes are listed above in paragraph 4.7, under the 'Proposed Development',

14.3.5 The proposed amendments are, within the context of the overall development, limited. The amendments would not have a material impact upon 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 than the approved scheme, in accordance with Policy S7 of the Local Plan. The sustainability and access 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 while the employment provision would be the same as in the previous scheme. The impact for the adjacent listed buildings would also be acceptable.

14.3.6 While the Council is now able to demonstrate that it does have a five year housing land supply, this does not mean that an application for housing should be disregarded without full consideration, particularly where the principle of the development has been found acceptable before.

14.4 B) Access

14.4.1 Applicants and developer are required to show that their development would not compromise highway safety by ensuring that any additional traffic generated by the development can be easily and safely accommodated within the existing highway network, and that it can meet the Council's Parking Standards.

14.4.2 The amended development would use the same access arrangements as the approved scheme, to which the Highway Authority raised no objection at the time of the previous application. The minor amendments to the split of housing across the development (in terms of the market housing; one more three bed house, one less three bed bungalow, four less four bed houses and four more five bed houses; and in terms the affordable housing; one less one bed bungalow and the addition of a two bed bungalow) would not be significant and would not result in a greater demand for parking on the site. The comments of the Highway Authority will be included in the Late List or reported verbally at the committee meeting. Subject to these, no objections are raised to the proposed development with regard to Policies GEN1 or GEN8 of the Local Plan.

14.5 C) Design

14.5.1 The NPPF advises that the creation of high- quality buildings and places is an important part of the development process and a key aspect of sustainable development. Paragraph 130 of the NPPF states new developments should 'function well and add to the overall quality of the area'. Policy GEN2 of the Local Plan states new development will only be permitted if it meets the design criteria contained in the policy and has regard to the advice in the Council's Supplementary Planning Documents.

14.5.2 The design, scale, layout and appearance of the proposed development would not be materially different to the approved scheme on the site. The scheme would remain at 44 dwellings (26 market and 18 affordable units) and three commercial units. While there would be a change to the number of units of each size, this would not be material within the context of the overall development.

14.5.3 No objections are therefore raised to the proposed amendments to the approved scheme on the site in terms of design and appearance, in accordance with the NPPF and Policy GEN2 of the Local Plan.

14.6 D) Landscaping

14.6.1 A landscaping plan has been submitted with the application and while the comments of the Council's Landscape Officer have not been received regarding it, it is considered that as the scheme is very similar to that approved at the time of the previous application on the site. No objections are therefore raised under Policy GEN2 and ENV3 of the Local Plan.

14.7 E) Parking Standards

14.7.1 Policy GEN8 of the Local Plan requires that development be provided in accordance with the Council's Adopted Car Parking Standards. The development is to be provided with the required number of car parking spaces per size of dwelling, as well as cycle parking spaces. Visitor car parking spaces are to be provided as well, while 12 spaces would remain for the Stag Inn.

14.8.1 The proposed development therefore complies with Policy GEN8 of the Local Plan.

14.8 F) Neighbour amenity

14.8.1 Policies GEN2 and GEN4 of the Local Plan require development to have an acceptable impact upon the amenities of the occupiers of the neighbouring and surrounding dwellings in terms of overlooking, overshadowing, loss of light and overbearing impact.

14.8.2 The amendments to the approved scheme on the site would not result in any adverse neighbour impacts given that the development would be contained within the same site and would not be materially nearer to any of the surrounding properties than the approved development.

14.8.3 The proposed development therefore complies with Policies GEN2 and GEN4 of the Local Plan.

14.9 G) Housing mix

14.9.1 The proposed mix of housing in the amended scheme is not materially different to that in the approved scheme on the site (the differences are

laid out in paragraph 14.4.2 above). Given that the mix would not be materially different, it is considered the proposed mix would be acceptable, in accordance with Policy H10 of the Local Plan.

14.10 H) Affordable housing

14.10.1 The number of affordable units in the amended scheme is 18, as in the approved scheme on the site. The mix of units has altered only inasmuch as there would be one less one bed bungalow and the provision of a two bed bungalow. It is considered that this minor change to the affordable provision is satisfactory, in accordance with Policy H9 of the Local Plan.

14.11 I) Trees and protected or priority species

14.11.1 The site is situated on an east- facing slope which descends towards the south- eastern corner of the site. The site contains grassland and is bordered by hedgerows and individual trees. The comments of the Council's Ecologist will be included in the Late List or reported verbally at the committee meeting. It should be noted that there were no objections in these regards at the time of the previous application on the site.

J) Other issues

14.12

14.12.1 A number of objections to the proposed development have been received from the occupiers of some of the nearby and neighbouring properties. A number of these have been addressed in the preceding paragraphs. The others are addressed below.

14.12.2 Whether there are sewage outbreaks in the area is not known. However, the development would be provided with a suitable drainage system.

14.12.3 Whether the commercial units would survive or not and their proposed use (other than for being for local businesses) is not an issue for consideration in this application. They were considered acceptable at the time of the previous application on the site. While they would all be located in the same part of the site rather than being spread further apart as before would result in a greater degree of travelling by the commercial vehicles using the site, this would not be significant in the context of the overall scheme. It is not considered that this would have a material impact upon the levels of noise, disturbance or pollution arising from the development. It is similarly not considered that the development would result in a greater harm to highway safety or gridlock (including arising from construction traffic), over and above the approved scheme on the site.

14.12.4 The amended scheme would not have a materially greater impact upon the demand for service and facilities than the approved scheme on the site.

14.13 PLANNING BALANCE

14.13.1 It is considered when taking the Framework as a whole, that the benefits of the proposal are considered to outweigh the harm that would be caused to the character of this rural area, and any less than substantial harm to the setting and significance of the Grade II listed building, The Stag Inn.

14.13.2 Consideration has been given to paragraph 11 c) I, and footnote 7 of the National Planning Policy Framework in terms of the impacts of the development upon designated heritage assets. Given that the identified harm to assets is in the lower half of the spectrum of harm, this does not give the Local Planning Authority a *clear* reason for refusing the application, and given the identified public benefits as set out, the application can be supported. The 'tilted balance' is in favour of the proposal, including a presumption in favour of sustainable development, as set out in paragraph 14 of the National Planning Policy Framework, which is therefore engaged.

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 amendments to the approved scheme on the site would not have a material impact upon the overall scheme, the character of which would not be significantly different to that of the approved scheme. There would be no materially greater impact upon the setting of the nearby listed buildings, upon neighbour amenity or upon the safety and operation of the surrounding highway network. The development would also provide a high-quality living environment for its future occupiers. The level of affordable housing provided would be as in the approved scheme (40%).

16.2 The application is therefore recommended for approval, subject to the completion of a Section 106 agreement and conditions.

17. S106 / CONDITIONS

17.1 S106 Heads of terms

- (i) Provision of 18 affordable units (to be delivered by Habinteg Housing Association). The proposed tenure split discussed and agreed with the Council's Housing Officer will be based on the following: -
 - 60% affordable rented
 - 40% shared ownership.This is to include two x M4(3) wheelchair user bungalows for families identified by the Council's Housing Officer.
- (ii) Provision and management of public open space.
- (iii) Maintenance of SuDS.
- (iv) Prioritisation of those in need locally (ie. on the Council's waiting list) for the affordable rented element, whilst the first homes/ shared ownership units will also be made available to existing residents/ local people within the Parish boundary during the construction stage.
- (v) Payment of sustainable transport commuted sum contribution of £114,000 (index linked to April 2021) towards a public transport strategy for Little Easton.
- (vi) Delivery and implementation of a Landscape Management Plan
- (vii) Payment of early years, primary and secondary education contributions.
- (viii) Pay the Council's reasonable legal costs.
- (ix) 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 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 Purchases Act 2004.

2 Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the Local Planning Authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

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

3 All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must 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 must 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 must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4 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).

5 Prior to occupation of any dwelling, the provision of an access formed at right angles to Duck Street, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (minimum of 9 metres), two 2-metre wide footways and clear to ground visibility splays with dimensions of 2.4 metres by 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety, 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.

6

Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;

- i. Improvements to the existing footway to the north-west of the site access, from the proposed tie in with the existing footway to 'The Old Stag' dwelling, including resurfacing and cutting back of vegetation.
- ii. Provision of a 2-metre-wide footway (where achievable) along Duck Street from the site access extending eastwards to public footpath no. 26 Little Easton, as shown in principle on DWG no. WIE-14412-SA-95-0037-A01 (Titled - Proposed Frontage Footway link to Public Footpath 26).
- iii. Cycle Route Enhancements at roundabout with Woodside Way and B184, as shown in principle on lower drawing of 'Off-site enhancements' DWG no. WIE-14412-SA-95-0019-A01.
- iv. Relocation of the 30mph speed limit (eastwards) to incorporate the development site frontage, including all necessary signing, road markings, Traffic Regulation Orders, as required.
- v. Any redundant access width adjacent the 'The Stag Inn' public house shall be suitably and permanently closed incorporating the reinstatement to full height of the footway/kerbing.

The highway scheme, to be approved by the Local Planning Authority in consultation with the highway authority, shall be implemented prior to first occupation.

REASON: In the interests of highway safety and accessibility, 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.

7

Prior to first occupation, the pedestrian/cycle link along the south-east of 'The Stag Inn' public house from the development site to the existing footway network on Duck Street shall be provided and retained in perpetuity.

REASON: In the interests of accessibility, 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.

8

The width of public footpath no. 7 (Little Easton), for its entire length within the site, must be retained at a minimum of 3 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the

footpath, and any surfacing works to be agreed with the Highway Authority.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interests of accessibility and highway safety, 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.

9

The width of public footpath no. 26 (Little Easton), for its entire length within the site, must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath, and no part of the flood alleviation scheme shall be any closer than 3 metres from the width of the public footpath, and any surfacing works to be agreed with the Highway Authority.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interests of accessibility and highway safety, 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.

10

Prior to first occupation of the development, a financial contribution of £114,000 (index linked to April 2021) to be paid to the Highway Authority to contribute to a strategy that will enhance local bus services serving Little Easton and the surrounding areas to provide connections to local amenities and/or key towns.

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

11

No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided, 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.

12

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

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity, 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.

- 13** 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 opportunities, including walking, cycling, and local car clubs and other alternatives to the private car, as approved by Essex County Council. Such packs should 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, 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.

- 14** 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. 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.
 - vi. Local highway before and after condition survey and where necessary repairs/reinstatement of the highway (at developers' expense) to the satisfaction of the Highway Authority.
 - vii. Appropriate cleaning of the highway in the vicinity of the site.
 - viii. The proposed management and protection of the definitive routes of public footpaths no. 7 and no. 26 within the site, and mindful that the route currently used does not wholly coincide with the definitive route.

REASON: To ensure that appropriate facilities are provided for construction operations clear of the highway, to ensure that loose materials and spoil are not brought out onto the highway and appropriate consideration of the public footpaths, in the interests of highway safety, 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.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, to ensure that the development accords

with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 16** No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. Alternatively discharge from the site should be limited to Greenfield equivalent rates with inclusion of Long-Term Storage (LTS) as stated in SuDS Design Guide. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. Where the half drain time cannot achieve within 24 hours it should be shown that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change. Final modelling and calculations for all areas of the drainage system.
 - 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. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

- 17** 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 states 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 topsoil's 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. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

- 18** 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. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

- 19** 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. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

- 20** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology, April 2021) as already submitted with the

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

REASON: To conserve and enhance protected and Priority species and allow the 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 Uttlesford Local Plan (2005) Policy GEN7.

- 21** Prior to slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Hybrid Ecology, April 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details 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 Uttlesford Local Plan (2005) Policy GEN7.

- 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 (through the provision of appropriate lighting plans, 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017, 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 Uttlesford Local Plan (2005) Policy GEN7.

- 23** A Traffic Noise Assessment, including the cumulative impact from vehicles, accessing/ egressing the proposed development, shall be submitted to and approved by the Local Planning Authority. The assessment should consider the advice contained in the Design Manual

For Roads and Bridges, LA 111 Noise and vibration and Guidelines for Noise Impact Assessment from the Institute of Environmental Management and Assessment (IEMA) 2014, as appropriate. It is considered that if the outcome of the assessment is greater than slight, this would be considered unacceptable and further mitigation measures would be required.

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

24

- a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes;
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and
 - (ii) The results from the application of an appropriate risk assessment Methodology
- c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority
- d) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.The verification report shall include disposal records, waste transfer receipts etc, to ensure that all waste disposal is traceable.
- e) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment

Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

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

- 1) Demolition, construction and phasing programme.
- 2) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- 3) Construction/ Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- 4) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- 5) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- 6) Maximum noise mitigation levels for construction equipment, plant and vehicles.

- 7) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
 - 8) Prohibition of the burning of waste on site during demolition/ construction.
 - 9) Site lighting.
 - 10) Screening and hoarding details.
 - 11) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
 - 12) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
 - 13) Prior notice and agreement procedures for works outside agreed limits.
 - 14) Complaints procedures, including complaints response procedures.
 - 15) Membership of the Considerate Contractors Scheme.
- The development shall then be undertaken in accordance with the agreed plan.

27 REASON: To minimise any adverse effects on residential amenity, in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

The Sustainable Urban Drainage basin shall be maintained such that it will not be allowed to clog and thereby hold water over time.

28 REASON: In the interests of flight safety and birdstrike avoidance, and to ensure that a habitat feature is not created for species of birds that are hazardous to aircraft.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment-Addendum ref 2211-763 by Ingent Consultants, dated April 2023, and the following mitigation measures detailed within the FRA: • Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 3.4l/s • Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

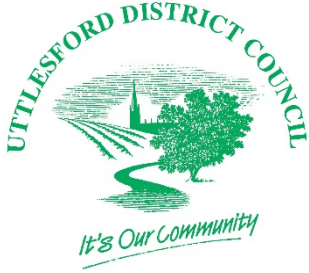
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

29 REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

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).

Agenda Item 13



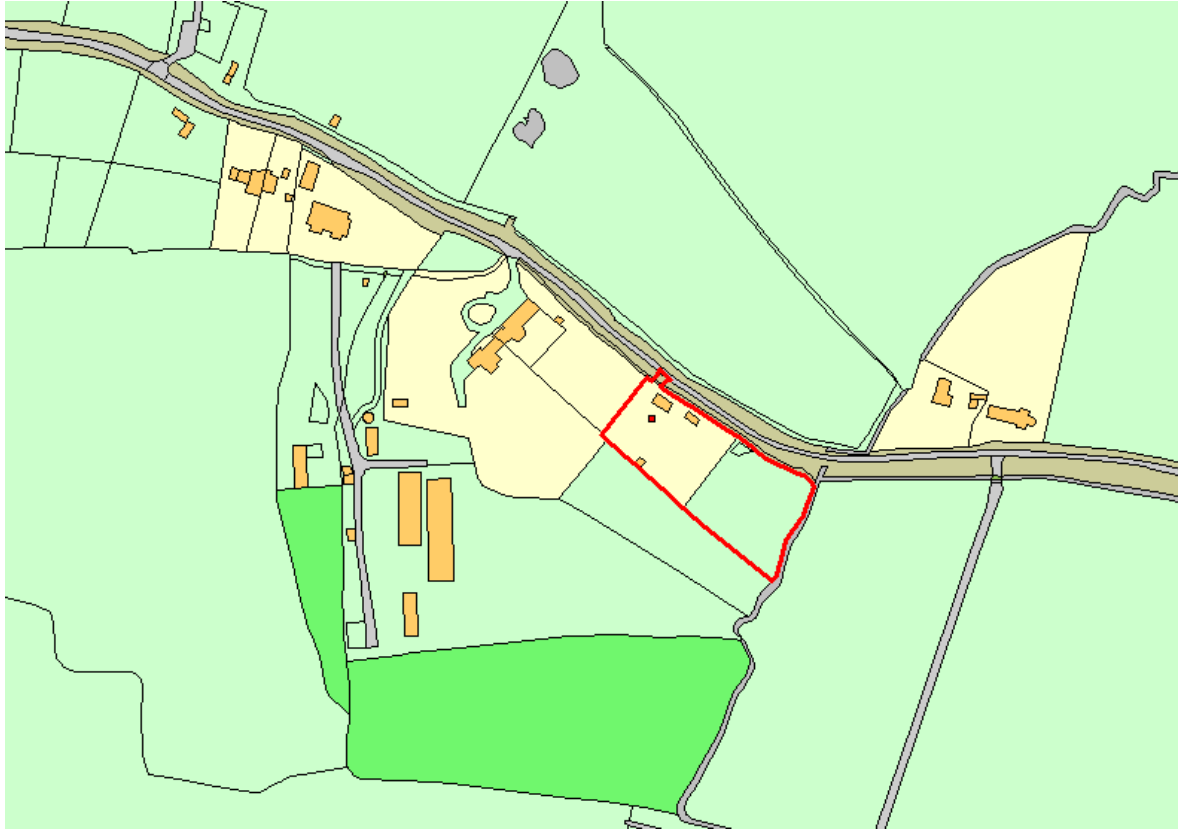
ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 22 November 2023

REFERENCE NUMBER: UTT/23/2141/FUL

LOCATION: Land South Of Cornells Lane
Widdington

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 03 November 2023

PROPOSAL: Demolition of existing stables and buildings. Erection of detached dwelling with wildflower meadow and planting.

APPLICANT: Miss T Gilder

AGENT: Mrs L Carpenter

EXPIRY DATE: 20 October 2023

EOT EXPIRY DATE: 27 November 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Within Historic Landscape (Widdington).
Protected Lane (Widdington – Cornells Lane).
Within 6km of Stansted Airport.

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

1. EXECUTIVE SUMMARY

1.1 This a full planning application for the demolition of existing stables and buildings and the erection of a detached dwelling with wildflower meadow and planting. The application does not propose any affordable units.

1.2 The development site is located outside development limits. As the proposals cannot be tested against a fully up-to-date Development Plan, and despite the LPA's 5YHLS surplus (including the necessary 5% buffer), paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.

1.3 The planning balance under paragraph 11(d)(ii) of the NPPF is not in favour of the proposal. The proposed development would harm to the open and rural character and appearance of the area.

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 land with some outbuildings, hardstanding and fencing, located outside development limits to the east of Widdington. The site has an existing access to Cornells Lane, which is a Protected Lane that is important in terms of biodiversity, diversity and group value. The overall area contains a distinct open, rural countryside character with open land to the north and east of the site, as well as more open meadow land to the south and south-west of the site (followed by a woodland area further to the south). Two semi-detached dwellings are located 63m to the west of the site. The site is located on the approach of a small housing cluster.

4. PROPOSAL

4.1 This a full planning application for the demolition of existing stables and buildings and the erection of a detached dwelling with wildflower meadow and planting. The application does not propose any affordable units.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Ecological survey and assessment
- Planning statement including transport.

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/22/2825/OP	Outline application with all matters reserved except access for demolition of existing buildings and for the erection of 1 no. detached dwelling and garage.	Refused (20.12.2022).

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion

enables better coordination between public and private resources and improved outcomes for the community.

- 7.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this application. No statement of community involvement has been submitted prior to the submission of this application. However, the application states that it has been formulated following discussions with local people, including the ward councillor¹ and that the dwelling has been designed in a barn style conversion as that was the opinion expressed locally when the applicant consulted following the refusal².

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

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

9. PARISH COUNCIL COMMENTS

- 9.1 The Parish Council commented as follows:

Object:

- Widdington Parish Council object to this planning application as it is outside the village's development envelope that is based around the high street area of the village. This would lead to further development on Cornell's lane which is a registered protected lane.
- The village has few amenities (pub and village hall) and very restricted access to public transport (1 bus per hour).

10. CONSULTEE RESPONSES

10.1 UDC Landscape Officer/Arborist

- 10.1.1 No objections unconditionally.

10.2 Place Services (Ecology)

- 10.2.1 No objections subject to conditions.

10.3 Safeguarding Authority for Stansted Airport

- 10.3.1 No objections subject to conditions.

10.4 National Air Traffic Services (NATS)

- 10.4.1 No objections unconditionally.

¹ Planning Statement including Transport, paragraph 1.06.

² Planning Statement including Transport, paragraph 3.19.

11. REPRESENTATIONS

- 11.1** A site notice was displayed on site and notification letters were sent to nearby properties. No representations have been received beyond the response from the Parish Council (at the time of writing this report).

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport, Quendon 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
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV9	Historic Landscapes
	ENV10	Noise Sensitive Development
	ENV11	Noise generators
	ENV12	Protections 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
 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 / character and appearance**
 - B) Heritage impacts / Climate change**
 - C) Residential amenity**
 - D) Access and parking**
 - E) Ecology**
 - F) Contamination**
 - G) Archaeology**
 - H) Flood risk and drainage**
 - I) Planning balance**

14.3 A) Principle of development / character and appearance

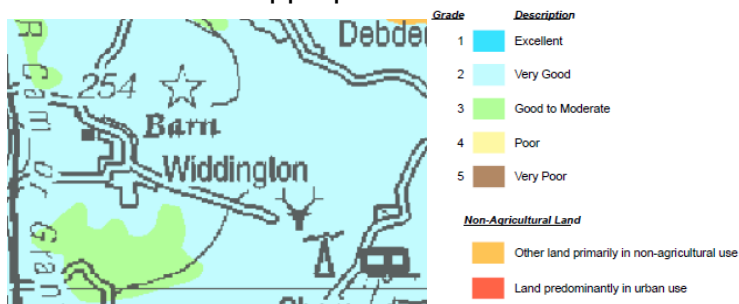
14.3.1 Housing land supply:
 The development site is located outside development limits, within the countryside. The local planning authority (LPA) published in October 2023

a 5-Year Housing Land Supply (5YHLS) figure of **5.14 years**³; this figure includes the necessary 5% buffer. That said the LPA’s Development Plan cannot be viewed as being fully up to date, and as such, paragraph 11(d) of the National Planning Policy Framework (NPPF, 2023) 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 policies S7, GEN2, ENV5 and GEN1(e) in conjunction with paragraph 8 of the NPPF (economic, social, environmental):

Best and most versatile agricultural land:

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 with appropriate levels of services and facilities.



14.3.3 Economic benefits:

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 Location – Isolation, Infill:

Recent case law⁴ 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. In light of recent appeal decisions in the district and the applicant’s submissions, the LPA would concede on this point and acknowledge that the application site is **not** isolated.

³ 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).

⁴ Braintree DC v SSCLG [2018] EWCA Civ. 610.

Notwithstanding that the closest dwelling (no. 1 Malthouse) is located 63m away, the application site sits on the approach to one of the housing clusters at the eastern periphery of Widdington. Paragraph 80 of the NPPF does not apply.

14.3.5 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 position with the closest dwelling 63m away, the site is not an infill opportunity, as it is not a gap and it is not within a small group of houses.

14.3.6 Location – Services and facilities:
Widdington has very limited services and facilities. The nearest serviced bus stop⁵ (Fleur-de-Lys stop – 18’ walk) is 1.4km from the site. The nearest school (Debden Primary School – 1h10’ walk) is 5.7km away and the nearest supermarket (Tesco Express Elsenham – 1h35’ walk) is 7.8km from the site. The Newport Train Station is 4.7km from the site (59’ walk). Notwithstanding the above, there are no pedestrian footways, and as such, pedestrian movements are forced onto the lane, which is unlit and poorly maintained. The bus stop and the above services and facilities are therefore not easily accessible from the application site and the condition of the surface on Cornells Lane would deter potential cyclists.

14.3.7 The occupants of the proposed dwellings would **not** be able to safely access sustainable public transport or services and facilities within easily accessible walking distances. It would be unreasonable to expect that the future occupants will be walking with their supermarket supplies on the lane that is unlit and in poor condition or that the lack of footways would allow wheelchair users to access services without serious risk to human lives. Movements to and from the site would not be undertaken by means other than the private car⁶; private cars would have to be used to access railway services. 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 would fail to comply with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.8 Previously developed land:

⁵ Bus service refers only to route 301 that is an hourly service Monday to Saturday.

⁶ The application concurs that “*to access a wider range of services and facilities it would generally be by car*” but supports that “*The nearest bus stop to the application site is in Widdington High Street, near the public house, within walking distance, or easy cycling distance*” (Planning Statement including Transport, paragraphs 5.20, 5.22). However, as explained above this would not be possible without heavy reliance of cars.

The site is **not** previously developed land⁷ as there are no planning records to demonstrate otherwise. However, the application supports that *“The site contains a number of structures and hardstanding, serving the use of the land for the stabling of alpacas currently. The site is also used for recreational purposes by the applicant and her children with a green house, a playhouse, a climbing frame and other domestic paraphernalia”*⁸. These elements were witnessed in the case officer’s visit, but it has not been shown that they have been lawfully erected or used. The application confirms the site is not previously developed land⁹.

14.3.9 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. The proposal would introduce built form in the countryside with urbanising effects¹⁰. Therefore, the development would be contrary to policy S7 of the Local Plan and paragraph 174(b) of the NPPF. Notwithstanding the applicant’s comments¹¹, 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 character and beauty of the countryside. Applying paragraph 219 of the NPPF to the above, policy S7 should be afforded significant weight.

14.3.10 When quantified, **countryside harm** is significant. The site, by reason of its open and verdant appearance (even if the low-key structures were to have been lawfully implemented or used) and position on the approach of the housing cluster, positively contributes to the rural character and appearance of the area. The site acts as a defensible boundary that visually smoothens the transition between the approach to/entrance of the housing cluster and the open countryside. The proposal, by reason of its scale and residential use, would be a visual barrier to this rural setting and would extend urban qualities within the rural landscape by increasing noise, lighting, movements and other environmental factors. The Landscape officer, similarly to the refused UTT/22/2825/OP, raised **no objections** as the development would have a minimal impact on the wider landscape. However, the proposal is for 1 no. dwelling and its impact could not have been more than minimal to the wider landscape; notwithstanding this, the harm to the local rural character of the area would be significant and the lack of wider effects would not be a benefit.

⁷ 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.

⁸ Planning Statement including Transport, paragraph 1.02.

⁹ Planning Statement including Transport, paragraph 3.23.

¹⁰ 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..

¹¹ Planning Statement including Transport, paragraph 5.04.

14.3.11 The application supports that the development “*would represent the ‘rounding off’ of this cluster of houses*”¹². However, the approved scheme under UTT/21/2649/FUL¹³ to the south-west of the application site would have small residential gardens and meadow land on the eastern part of that site (see image), followed by paddock land to the north that adjoins the application site. As such and considering its position, the site would face open countryside on three directions (except west) and the proposal would not ‘round off’ the housing cluster but rather extend it eastwards, failing to preserve the rural character and appearance of the area.



14.3.12 For the issue of visibility, there is a growing body of appeal decisions that distinguish development impacts between those to the character and those to the appearance of an area. One Inspector wrote that “*The impact of development on the rural character of an area is not simply restricted to whether it can be seen or not or its detailed design but about how that use would impact on the rural setting*”¹⁴ and another Inspector wrote that “*Just because new development in the countryside would be well hidden from public gaze does not make it acceptable. Although appropriately designed, the proposal would nonetheless detract from the rural character of the area by intruding into undeveloped and open land*”¹⁵. As such, concealment from the public gaze would not justify a no-harm position to the rural character of the area but rather limit the effects to the appearance of the countryside. In any case, the application site would be visible from the public realm (e.g. through the access) and the proposed dwelling would be visible from the public highway due to its height (6.65m) that would be above the height of the front hedge.

¹² Planning Statement including Transport, paragraph 5.06.

¹³ UTT/21/2649/FUL for Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL – Planning permission granted on 05 September 2022. The scheme has not yet commenced.

¹⁴ APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraph 10 – Proposal for 11 no. dwellings in Eastfield Stables, Elsenham – Appeal dismissed on 30 October 2021.

¹⁵ APP/C1570/W/22/3303304 (UTT/22/1170/FUL), paragraph 10 – Proposal for agricultural buildings in Eastfield Stables, Elsenham – Appeal dismissed on 24 February 2023. Similar quotes can also be found in APP/C1570/W/22/3291446 (UTT/21/2687/FUL), paragraphs 16-17.

- 14.3.13** The application states that the site “*does not visually form part of the open countryside, but it is instead viewed in the context of the surrounding residential uses, buildings and paraphernalia*” and this approach was supported in an appeal decision¹⁶. However, this appeal decision related to the residential conversion of an existing disused agricultural building at the rear of nos. 1 and 2 Malhuses and the Inspector found “*limited residential context to parts of the lane*” with the part of the countryside within which the appeal site was set being situated in a verdant and open area¹⁷.
- 14.3.14** Finally, the proposed materials and the proposed barn-style dwelling would reflect the local vernacular, in compliance with policy GEN2(a) of the Local Plan. In addition, the site benefits from a level of green screening at its frontage and the application proposes at the eastern part of the site a substantial area for planting a wildflower meadow. However, the proposed materials and architectural style and any existing/proposed landscaping features are inadequate to materially diminish the above countryside harm, plus landscaping features can vary due to health and season, and as such, they cannot be relied upon continuously.
- 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 120(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 14.3.16** The application supports that “*there is under-use of the current site, that represents ‘rounding off’, and the proposal would make the best use of it*”¹⁸. However, it has been shown above that the proposal would not have a ‘rounding off’ effect in the local pattern of development and that there is no evidence to suggest that the existing structures and hardstanding on site have been lawfully created or used that would have made the site previously developed land. Therefore, residential development on a greenfield site would not be more effective use of under-utilised land, and as such, the proposal would not gain support from paragraphs 119 and 120(d) of the NPPF.
- 14.3.17** A key difference between the current application and the previously refused UTT/22/2825/OP is the increased size of the application site (from 1,000 sqm to 4,550 sqm) that now includes the paddock until where it meets the brook to the east of the site. Although the increased site would mean an inappropriate housing density that would represent an inefficient

¹⁶ Planning Statement including Transport, paragraph 5.38.

¹⁷ APP/C1570/W/20/3264013 (UTT/20/2154/FUL), paragraph 3, for the conversion of existing agricultural buildings to five dwellings with associated parking and landscaping – Appeal allowed 15 June 2021.

¹⁸ Planning Statement including Transport, paragraph 5.08.

use of the land as a resource, it is clearly outside of the application's intention to develop the whole site but rather use the additional area to positively contribute through plantings towards biodiversity enhancements¹⁹ similarly to the approved UTT/21/2649/FUL at the south-west of the application site.

14.3.18 Notwithstanding the above, the proposed meadow land should have been outside the application site, delineated within the blue line under the applicant's control. Most importantly, as explained above, such landscape enhancements would not be enough to eliminate or mitigate the significant harm to the rural character and appearance of the area caused by the proposal.

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/21/2649/FUL** (Land Rear Of Malt Place, Cornells Lane):
This application was approved for a site in which permission had been previously granted under three separate applications (UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL) for the conversion of existing or the construction of new buildings forming a total of 10 no. residential dwellings. Combination of the above permissions into a single scheme was considered to help deliver a more cohesive development.
- **UTT/20/3016/FUL** (Land Rear Of Malt Place, Cornells Lane):
This application was a conversion of an agricultural building that benefitted from prior approval under UTT/18/2129/PAP3Q.
- **UTT/20/2154/FUL** (Land Rear Of Malt Place, Cornells Lane):
The Inspector found the appeal site to be situated within a verdant and open area with limited residential context to parts of the lane. However, the appeal was allowed as the scheme would be viewed alongside the existing buildings and neighbouring dwellings and due to the nature of the scheme as a conversion of an existing building that would increase its overall height and footprint.
- **UTT/20/0860/FUL** (Land Rear Of Malt Place, Cornells Lane):
This scheme preceded UTT/20/2154/FUL and was refused as it involved the demolition of the existing agricultural buildings and the erection of buildings with increased scale on a more formal layout that would not preserve the agricultural character of the site.
- **UTT/18/3523/FUL** (Land Rear Of Malt Place, Cornells Lane):
This appeal scheme was dismissed as the increase in the amount of built development on the site; the formal arrangement of the

¹⁹ Planning Statement including Transport, paragraph 3.17.

dwellings; and the change of use of a large portion of the site to garden with formal planting of an avenue of trees along the access road would result in a development with a suburban appearance which would be incongruous to its rural location. The proposal went significantly over and above the built form approved under the fallback position (UTT/18/2129/PAP3Q).

- **UTT/22/3395/OP** (Springfield, Radwinter):
This was an infill site of already domestic appearance.
- **UTT/22/3442/OP** (Springfield, Radwinter):
This was a site with limited contribution to the character and appearance of the area unlike the current application site that forms the approach to a housing cluster.
- **UTT/18/1806/FUL** (Land West Of The Willows, Cornells Lane):
This scheme would preserve the linear character of the village with built form on both sides. It was also located to the back of the approved UTT/18/1031/FUL.
- **UTT/18/1031/FUL** (Land Adjacent To The Piggery, Cornells Lane):
This site was physically incorporated to the residential boundary of The Old Piggery within a close distance to Widdington and the development was found to cause limited harm to the character and appearance of the area.
- **UTT/16/0746/FUL** (Malt Place, Cornells Lane):
This scheme benefitted from a fallback position under UTT/15/0378/FUL.

14.3.20 Conclusion:

The principle of the development is **not** acceptable (see planning balance in Section K). Other material planning considerations and technical issues (e.g. flood risk) should be examined once the Planning Inspectorate receives the relevant consultation responses.

14.4 B) Heritage impacts / Climate change

14.4.1 The application site does not contain any listed buildings and is not part of a Conservation Area and there are no such heritage assets in its vicinity. However, Cornells Lane is a protected lane and the area within which the site is located comprises an historic landscape. The proposal will utilise an existing access (subject to the conditions required by the Highway Authority, see Section D). The Landscape Officer raised **no objections** as there is no harm to the fabric and character of the protected lane and the proposal would have minimal impact on the wider landscape, as explained in Section A. The development would accord with policy ENV9 of the Local Plan.

14.4.2 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. The application recognises this obligation and

also proposes an air source heat pump²⁰. For example, if the scheme were acceptable, water efficiency would need to comply with the 110 litres per person per day per unit 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 adequate to eliminate or mitigate the countryside harm identified above.

14.5 C) Residential amenity

14.5.1 In terms of the residential amenity of the occupants, the proposed unit would be 2-storey with an occupancy of 4B7P²¹ (including the study that covers 10.7 sqm) and a gross internal area (GIA) that would exceed the minimum GIA threshold (115 sqm) set out in the Nationally Described Space Standard (NDSS).

14.5.2 In terms of amenity (garden) space, the proposed dwelling would have a garden area in excess of the 100 sqm threshold set out by the Essex Design Guide for 3+ bedroom properties. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.3 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, notwithstanding the concerns raised by neighbouring occupiers, the Environmental Health officer was consulted in UTT/22/2825/OP and raised **no objections** unconditionally in the interests of residential amenity (see also Section 6).

14.5.4 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the proposal would safeguard the residential amenity of existing and prospective occupiers in terms of potential material overshadowing, overlooking and overbearing effects.

14.6 D) Access and parking

14.6.1 Policy GEN1 of the Local Plan states that development will only be permitted if it meets all of the following criteria:

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

²⁰ Planning Statement including Transport, paragraph 5.62.

²¹ 4B7P = 4 Bedrooms - 7 Persons.

14.6.2 From a highway and transportation perspective, following revisions and the submission of additional information, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord 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.

14.6.3 There is ample space within the site to accommodate the necessary parking provision, i.e. 3 no. parking spaces of appropriate dimensions and an appropriate turning area, so that vehicles can exit the site in a forward gear. The proposed parking arrangements would comply with the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), as well as policy GEN8 of the Local Plan.

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 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 The site is not part or adjacent to any archaeological sites. As such, no harm to any potential archaeological remains is considered. The proposal would comply with policy ENV4 of the Local Plan, and the NPPF.

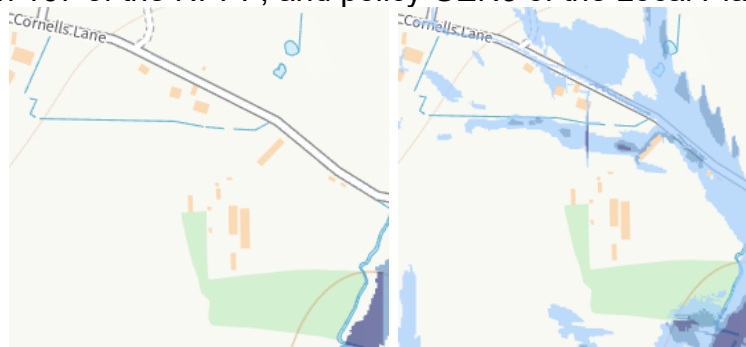
14.10 H) Flood risk and drainage

14.10.1 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.

14.10.2 The site falls within Flood Zone 1 and footnote 55 in paragraph 167 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) does not apply as the development does not involve a site 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. As such, the Essex County Council (as the Lead Local Flood Authority, LLFA) and the Environment Agency have not been consulted for this application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The proposal would comply with paragraph 167 of the NPPF, and policy GEN3 of the Local Plan.



14.11 I) Planning balance

14.11.1 The following public benefits of the scheme are discussed in the next paragraphs:

- Provision of 1 no. unit to the 5YHLS – limited weight.
- Ecological and biodiversity enhancements and net gains – limited weight.
- Sustainable energy/water efficiency measures – limited weight.
- Economic benefits – limited weight.
- Provision of accessible dwelling (Part M) – limited weight.

14.11.2 A key difference with the previously refused scheme is that the latest 5YHLS position shows a 5.14 years of housing supply that includes a 5% buffer in comparison to the previous 5YHLS shortfall. This is also a significant difference in relation to the permissions granted by the LPA or on appeal referenced in paragraph 14.3.19 of this report. In any case, although the planning balance is still engaged due to the Local Plan not being fully up to date, the net contribution of 1 no. unit to the 5YHLS would be a rather limited public benefit arising from the development, as it would make little difference to the overall supply of housing in the district.

14.11.3 The proposal would provide a modest contribution towards the wider local economy during and post construction. However, the single unit proposed means that the public benefit would also be limited to its extent

- 14.11.4** The proposal would also be able to offer ecological enhancements and net gains (e.g. a substantial wildflower meadow and additional plantings), energy/water efficiency measures (e.g. air source heat pump, electric car charger, etc.), and compliance with Part M of the Building Regulations regarding accessibility; these matters would only attract limited weight given the limited scale of the development.
- 14.11.5** On the other hand, the adverse impacts of the proposed development include:
- Harm to the countryside character and appearance of the area – significant weight.
 - Area void of services and facilities (sustainability concerns) and heavy reliance of private motor cars – significant weight.
 - Loss of BMV agricultural land – limited weight.
- 14.11.6** The proposed development, by reason of its position at the approach of a housing cluster and urbanising effects to the open countryside, would harm the rural character and appearance of the site and area; this harm 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, this harm is considered significant. This countryside harm would outweigh the benefit of providing one unit even if there was a 5YHLS shortfall.
- 14.11.7** The location of the proposed development would also raise sustainability concerns due to the lack of local services and facilities that would not be easily accessible through sustainable public transport or other sustainable means, such as walking or cycling, given that there are no pedestrian footways and pedestrian movements are forced onto the lane, which is unlit and poorly maintained. The resulting heavy reliance on private motor cars would not be justified at a time of 5YHLS surplus. The sustainability credentials of the location are not satisfactory, against the environmental strand of sustainable development in paragraph 8 of the NPPF, and as such, this policy conflict would be attributed significant weight.
- 14.11.8** As explained in Section A, the loss of BVM agricultural land would be limited within its context, and as such, this adverse impact would also be limited to its extent.
- 14.11.9** 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 planning balance found 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. REASON FOR REFUSAL

- 1** 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 area is void of services and facilities and

sustainable transport options within easy reach, raising sustainability concerns due the heavy reliance on private cars. 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).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/23/2141/FUL
Our Ref: 32166
Date: 11th October 2023



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/23/2141/FUL
Applicant Miss T Gilder
Site Location Land South of Cornells Lane Widdington Essex
Proposal Demolition of existing stables and buildings. Erection of detached dwelling with wildflower meadow and planting

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

1. 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.
2. Prior to occupation of the development the vehicular access 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 vehicular crossing. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.
4. 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

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;
 - 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. The rural location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.
- iii. 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.
- 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.



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pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: Eirini.spyratou@essex.gov.uk

Late List –Planning Committee 22/11/2023

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
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6	UTT/23/2193/PINS	A Financial Viability Assessment has been submitted which details the level of the commuted sum in lieu of affordable housing proposed at £140,000. The calculations submitted to support this are commercially sensitive data.
		In response to the objection from the Lead Local Flood Authority, the applicant submitted drainage details and sewage treatment plant details. The drainage layout plan IT2175/DD/001 contains the manhole schedule. Each plot is proposed to have a package sewage treatment plant. A Klargester BioDisc BA or similar would meet the requirements of each proposed dwelling (see manufacturers specification). The maximum daily outflow from each plant would be 1.2m ³ . This volume has been taken into account in the sizing of the tank above each borehole. The MicroDrainage calculations sizing the borehole soakaway and tank show that sufficient storage volume and discharge rate is provided. The FRA, provided with the planning application, contains the on-site infiltration testing in appendix E. The infiltration rate from this testing, which has been used in the MicroDrainage calculations, is 3.67 x 10 ⁻³ m/s.
7	UTT/19/2838/DOV	
8	UTT/22/2997/OP	TBC
9	UTT/22/3470/FUL	ADDITIONAL PARISH COUNCIL COMMENTS (Little Dunmow)
		<p>The proposed construction access is from the only pavement access to and from The Moors, Pound Hill, this is the pedestrian access to and from the village recreation ground and Flitch Way and also to Flitch Green. The secondary main pedestrian route is the Public Right of Way (PRoW) Little Dunmow: 10 which also connects to the Flitch Way, PRoW Little Dunmow 31 and Flitch Green. The PRoW are very busy, used by families, dog walkers and lone children, the proposed construction traffic route runs right across PRoW 10, which in the summer has very high crops with no visibility. making it dangerous for children and loose dogs</p> <p>The proposed access through little Dunmow would be on the edge of the Conservation Area and close to Listed buildings. This could cause serious damage to these properties.</p> <p>There is currently no weight restriction on the Brook Street heritage bridge (1506) as it was originally never built expecting the weight of the traffic or volume of traffic proposed.</p>
10	UTT/23/0878/DFO	<p>Additional comments by neighbouring occupiers were received:</p> <ul style="list-style-type: none"> • Support: <ul style="list-style-type: none"> ○ Demand for housing in the area. ○ Variety of housing styles. ○ Appealing landscaping.

		<ul style="list-style-type: none"> ○ Developer taken on board the comments in the revised drawings. ● Object: <ul style="list-style-type: none"> ○ No connection to the sewage system. ○ Essex Police have requested more details. ○ Concerns over protected species and biodiversity. ○ Inappropriate design and density. ○ Insufficient parking provision. ○ Lack of services and facilities locally. ○ Traffic increase. ○ The previous decision for the outline permission was flawed. ○ Affordable homes should be offered to local first-time buyers. ○ Out of character. ○ Government bill to stop building on prime agricultural land. ○ Harm to the wellbeing of residents. ○ Over-development. ○ Urbanisation effects. ○ Comparatively large housing estate for the size of the village. ○ Suburban character. ○ Harm to the rural setting of listed buildings. ○ Loss of ancient verge. ○ Harm to the rural character and appearance of the area. ○ Area of outstanding natural beauty. ○ Reconsider outline planning permission. ○ Proposed footpath not appropriate for buggies or wheelchairs. ○ Concerns over foul water management. ○ Previous objections remain. ○ Concerns about security of neighbouring properties.
		<p>ADDITIONAL REPRESENTATIONS</p>
		<p>The proposed construction route through little dub mow and Brook Street is not appropriate due to:</p> <ul style="list-style-type: none"> ● Heritage Impact, ● Highway and pedestrian safety, ● Brook Street is too narrow for construction traffic, ● The development will cause damage to the bridge,

		<ul style="list-style-type: none"> • The proposed access through provides the only pedestrian access from the village to the playground, park and flitch way, • The village has existing parking issues, • A independent bridge survey should be undertaken, • Required details of a construction plan have not been included, • The development will risk coalescence with Little Dunmow • The council now has 5 year housing supply, • The benefits of the scheme do not outweigh the harm. • No evidence that the development will enhance or maintain the vitality of Flitch Green • The parking survey is flawed in details, • The parking survey suggest resident do not park in their parking bays, however the garages do not meet adequate parking size standards. • Anglian Water representation is not on objections and in fact they require further information • Loss of foot way along Baynards Avenue, • Lack of school places, NHS/ dentist waiting list. • Further flooding and draining issues, • Disturbance to neighbouring properties, • The site is high quality arable land, • The officer has not provided clear details of the objections received, • The submitted access report lacks analysis and is flawed. • The proposal will includes 2 and half storey buildings in conflict with paragraph 14.5.10 <p>The human rights if the neighbouring occupiers have not been addressed.</p>
		<p>OFFICER COMMENTS.</p>
		<p>A full list of the comment have been provided within the committee report and also with this supplementary list and all material planning matters have been taken into consideration.</p>
		<p>Following the deferral of this application by the planning committee the applicant has provided the following:</p> <p>The applicant has provided:</p>

		<ul style="list-style-type: none"> • Access option appraisal, • Construction vehicle route options • Parking Survey • Trip Generation Details <p>It is confirmed that the applicant had not materially changed the planning application and the vehicle access is still proposed to be along Baynards Avenue.</p> <p>The construction vehicle route options have been provided to demonstrate there is the possibility of other construction routes to the site, however the details of this would form part of a condition if the planning application was approved.</p> <p>A heritage balance and planning balance has been provided as part of the officer assessment, this also takes into consideration the updated 5 year housing supply.</p>
		<p>Paragraph 14.5.10 states</p> <p>The submission includes a parameter plan and layout of the site and that the proposed dwellings would be no more than two storeys in height. This shows that the proposed built form would be sufficiently distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023.</p> <p>This should read:</p> <p>The submission includes a parameter plan and layout of the site and that the majority of the proposed dwellings would be no more than two storeys in height with some 3 storey as per the proposed parameter plan (03). This shows that the proposed built form would be sufficiently distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in terms</p>

		of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023
		<p>Paragrapgh 10.3 states</p> <p>The development proposals would, in principle, fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2023) this would represent less than substantial harm at the lower to middle part of the scale, making Paragraph 202 relevant.</p> <p>This should read:</p> <p>The development proposals would, in principle, fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2023) this would represent less than substantial harm at the middle part of the scale, making Paragraph 202 relevant.</p>
		<p>In regards to the 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.</p> <p>The amenity of current and future occupiers has been considered under section (C) of the committee report and takes consideration the comments from the Council’s Environmental Health Officer and recommended conditions regarding noise and construction management.</p>
		<p>In regards to Anglian Water, it is noted no objections have been raised,</p> <ul style="list-style-type: none"> • The site layout should take into consideration nearby assets, prior to the commencement of the development. • 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

		<p>there is sufficient treatment capacity should the Planning Authority grant planning permission.</p> <ul style="list-style-type: none"> • No foul water condition requested, • If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991, <p>Surface water drainage should be assessed by the LLPA or the Environment Agency.</p>
		<p>The Parish Council provided the following additional comments:</p> <ul style="list-style-type: none"> • Neutral: <ul style="list-style-type: none"> ○ Debden Parish Council's comments on the original Application (UTT/20/0264/OP) are pertinent to the amended one (UTT/23/0878/DFO) and we would like them to be taken into account on the revised Application. Some points have been addressed – some have not. ○ More details on the pedestrian crossing would be helpful.
11		
12	UTT/23/1439/FUL The Stag Inn, Duck Street, Little Easton	<p>The agent has commented that the Section 73 planning application was submitted on the basis that no Section 106 Planning Obligation is required. The approved planning permission is governed by a S106 Planning Obligation which, at clause 10.5, specifically refers to Section 73 applications and confirms that the s106 will continue to bind the development. All of the obligations contained within this agreement are not changing.</p> <p>There is also reference to a Housing Association (Habinteg) in Section 17.1. The applicants have not yet agreed who the affordable housing provider will be on the scheme. The HoTs are not changing so this section of the report is not necessary.</p> <p>I have reviewed matters and as outlined below, the S73 application has to be implemented in line with the original permission (UTT/21/1495/FUL) on the site. Conditions 18-20 of the original consent relate to ecology matters and will be carried across to the S73. I therefore do not see a requirement for any additional ecology conditions to be introduced. However, if considered necessary, you could introduce a new condition requiring an ecology site walkover to take place in advance of the commencement of development to confirm that the conclusions and recommendations of the original report are up-to-date.</p>
13	UTT/23/2141/FUL	None.

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.