



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 13th December, 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](mailto: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 - 16

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 17

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 18 - 21

To note the Quality of Major Applications Report.
- 5 S62A Applications** 22 - 24

To note the S62A Applications Report.
- 6 UTT/23/2616/PINS - Land to the North of Eldridge Close,  
CLAVERING** 25 - 52

To consider making observations to the Planning Inspectorate in respect of UTT/23/2616/PINS.
- 7 UTT/23/2682/PINS - Land at Warish Hall Farm North of Jacks  
Lane, Smiths Green Lane, TAKELEY** 53 - 85

To consider making observations to the Planning Inspectorate in respect of UTT/23/2682/PINS.
- 8 UTT/22/1261/FUL - Land to West of Mill Lane, HATFIELD  
HEATH** 86 - 148

To consider application UTT/22/1261/FUL.
- 9 UTT/23/0062/DFO - Land East of Parsonage Road, TAKELEY** 149 - 177

To consider application UTT/23/0062/DFO.

- 10 UTT/23/2555/FUL - Land Behind Old Cement Works, Thaxted Road, SAFFRON WALDEN 178 - 192**

To consider application UTT/23/2555/FUL.

- 11 UTT/23/0990/FUL - Shire Hill, SAFFRON WALDEN 193 - 225**

To consider application UTT/23/0990/FUL.

- 12 UTT/23/2119/FUL - Land Between 39 and 41 Cromwell Road, SAFFRON WALDEN 226 - 250**

To consider application UTT/23/2119/FUL.

- 13 Late List 251 - 260**

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

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

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

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

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

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# Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 22 NOVEMBER 2023 at 10.00 am**

- Present: Councillor R Freeman (Chair)  
Councillors G Bagnall, N Church, J Emanuel (Vice-Chair),  
R Haynes, M Lemon, J Loughlin, R Pavitt and M Sutton
- Officers in attendance: N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), J Lyall (Planning Lawyer), M Shoesmith (Strategic Applications Team Leader), L Trevillian (Principal Planning Officer) and A Vlachos (Senior Planning Officer)
- Public Speakers: D Bauer, J Billingsley, J Cage, J Collins, A Crow, J Francis, Councillor K French, Councillor A Gardner, T Gilder, Councillor N Gregory, C Griffin, C Harris, Councillor S Harris, C Horne, T Jack, D Morris, Councillor T Newcombe, J Pratt, S Rawlings, P Sando and P Wyndham-Pearce.

## PC92 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

All Committee members were present.

The following declarations were made, none of which necessitated recusal from the debate.

- Councillor Haynes, Ward Member (item 12).
- Councillor Emmanuel, Ward Member (item 13).
- Councillor Pavitt, Ward Member (Item 8).
- Councillor Church, previously worked on land but had no current relationship (Item 13).
- Councillor Loughlin, whose husband previously employed the Agent but had no current relationship (Item 6).

## PC93 **MINUTES OF THE PREVIOUS MEETING**

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

## PC94 **SPEED AND QUALITY REPORT**

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He highlighted that there were currently 12 appeals in the system that would obviously affect future percentage figures.

The report was noted.

PC95 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report. He said that there were 6 applications where decisions were awaited and that headline figures could change.

The report was noted.

PC96 **S62A APPLICATIONS**

The Head of Development Management and Enforcement presented the S62A Applications report. He said that an opinion was being given at this Committee on the Land at Eastfield Stables and highlighted the recently received case of Jacks Lane.

The report was noted.

PC97 **S62A/2023/0023. UTT/23/2193/PINS - LAND AT EASTFIELD STABLES, MAY WALK, ELSENHAM ROAD, STANSTED**

The Senior Planning Officer presented an application for the proposed erection of 5 residential dwellings and associated infrastructure that had been submitted to the Planning Inspectorate (PINS) for determination.

He recommended that comments be submitted to PINS requesting refusal of the application for the reasons set out in Section 15 of the report.

In response to questions from Members, officers:

- Explained the reasoning behind the recommendation in that the Council had dealt with similar applications on the Eastfield Stables estate before; this included dismissed appeal decisions.
- Explained the basis for the use of wording of policies being “out of date”, particularly that the Local Plan should have been updated every 5 years and it had not been. Policies were said to be still applicable with their weight depending on their compliance with the National Planning Policy Framework (2023).
- Explained that a Wellness Hub was a building approved to the southern part of the wider estate that would include commercial activities, such as fitness classes.

Members discussed:

- That previous reasons for refusal of the application by UDC had not been overcome.
- There being no pavement or public transport provision in the vicinity, hence unsustainable development and location.
- The proposed development being unsuitable for its location.

Councillor Emanuel proposed that the officer's recommendations be approved in full. This was seconded by Councillor Loughlin.

RESOLVED that the Planning Inspectorate be requested to refuse the application in line with the officer's recommendations.

**PC98 UTT/19/2838/DOV - LAND EAST OF THAXTED ROAD, SAFFRON WALDEN**

Planning permission had been granted for outline consent (UTT/18/0824/OP) development of up to 150 dwellings with all matters reserved excess access at the above site. Reserved matters were later approved at appeal under reference UTT/19/2355/DFO. The Strategic Team Leader presented a Deed of Variation seeking amendments.

She recommended that the Deed of Variation and proposed amendments be approved. Amendments as follows:

- 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 and on all community facilities not just Community centres;
- d) Mortgagee in Possession;
- e) Contribution for Recreation clause to be added and to provide a trigger.

In response to questions from Members, officers:

- Confirmed that the reason for the proposed amendments were that things had moved on significantly since 2019.
- Said that the Mortgagee in Possession clauses had been brought into line with the National Housing Federation suggested clauses.
- Said that this would facilitate affordable housing arrangements.

Members expressed general satisfaction with the proposals.

Councillor Emanuel proposed that the Deed of Variation and amendments proposed be approved. This was seconded by Councillor Bagnall.

RESOLVED that the Deed of Variation and proposed amendments (listed above) be approved.

**PC99 UTT/22/2997/OP - LAND BETWEEN WALDEN ROAD AND NEWMARKET ROAD, GREAT CHESTERFORD**

The Principal Planning Officer presented an 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, up to 50sqm of shop and café floorspace, sustainable urban drainage system and associated infrastructure.



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

*There was a comfort break between 11.15 am and 11.25 am.*

In response to questions from Members, officers:

- Clarified the position outlined in paragraph 1.5 relating to the adverse impacts of development.
- Explained the need to have reason 3 for refusal (page 149) in the report as there was currently no S106 in place.
- Referred to the advice offered by Historic England relating to protection of assets below ground.
- Said that the site had no landscape designation, however it had been valued in the Neighbourhood Plan as being a sensitive site.
- Said that due weight had to be given to the recently approved Neighbourhood Plan and that the policies included were significant considerations.

Members discussed:

- The benefits of 350 new dwellings, including 140 affordable dwellings.
- The heritage views and significance of roman history in respect of assets below the ground.
- Landscape concerns and poor footpaths.
- Recognition of the significance of the Neighbourhood Plan against the NPPF. The development did not comply with the Neighbourhood Plan.
- Water supply and sewerage concerns.
- The impact on education facilities and local employment.
- Loss of agricultural land
- Whether or not the location was sustainable, particularly regarding the impact on Great Chesterford.
- Attention could not be given to the Regulation 18 Local Plan.
- A brochure from the land promoter that had been circulated to Members ahead of the meeting had outlined the proposed building types. A view was put forward that this was exactly the type of development needed in Uttlesford.
- Whether or not the £9m of Planning gain was considered high enough to provide sufficient mitigation.

The Planning Lawyer and the Head of Development Management and Enforcement made it very clear to Members that if they were minded to approve the application they would have to give specific reasons as to why the recommendation from the Planning Officer was being rejected, particularly with regard to the Neighbourhood Plan. The Planning Lawyer said that this would also open up Judicial Review options.

Councillor Emmanuel proposed refusal of the application in line with the officer's recommendations. This was seconded by Councillor Pavitt.

The motion was lost.

Officers explained the options still available to Members. After significant discussion the Chair proposed that the matter be deferred, in order that Members could fully acquaint themselves with the Neighbourhood Plan and various policies included in order that clear reasons for a future decision could be addressed. In addition the opportunity would also be taken to upload the brochure from the land promoter onto the Planning portal as it had only previously been shared with Members.

This proposal was seconded by Councillor Haynes.

RESOLVED that the matter be deferred in line with the above motion.

*Councillor N Gregory, J Francis and Councillor T Newcombe (Great Chesterford PC) spoke against the application.*

*D Morris and S Rawlings spoke for the applicant in support.*

*The Committee adjourned for lunch from 12.45 pm to 1.30 pm.*

PC100 **UTT/22/3470/OP - LAND NORTH OF BAYNARD AVENUE, FLITCH GREEN**

The Head of Development Management and Enforcement presented a Hybrid planning application with an outline application for up to 72 dwellings and a full application with proposed access and structural landscaping.

He outlined an issue on the Late List where items had been incorrectly numbered within items 9 and 10 of the agenda. He also explained that he was presenting this item at late notice in the absence of the Senior Planning Officer.

He said that the item had been referred from the meeting held on 30 August 2023 and that since the report issue, the heritage comment had changed to low risk rather than middle.

He recommended that the application be approved, subject to those items set out in section 17 of the report.

*There was a brief adjournment during the public speakers from 2.30 pm to 2.35 pm.*

In response to questions from Members, officers:

- Said that there was no difference to the proposals since deferral and that the Highway Authority had no objection to the application, subject to conditions. A revised Transport Assessment had been reviewed. Access arrangements had been considered acceptable.
- Said that the traffic flow assessment undertaken by the Parish Council had not been shared with the Highway Authority.
- Said that whilst the Local Plan had not be updated every 5 years as required Policies S7 and GEN2 were robust policies and that the tilted balance was therefore engaged.
- Said that UDC clearly needed more affordable housing.

- Said that officers considered that the application did not represent coalescence but that it was down to Members to make a judgement.

Members discussed:

- Policy S7 in terms of coalescence, landscape harm, the setting of 2 settlements and the impact on the Flitch Way.
- GEN2 in respect of there only being one way into the development.
- ENV5 in respect of agricultural land.
- GEN 1 in respect of the cumulative impact on roads as well as encouraging more car use/ ability to move around Flitch Green (GEN 1E).
- ENV 2 in respect of harm to listed buildings and impact on the conservation area.
- Other concerns were expressed in respect of this being outside the boundary of the original masterplan and the Landscape Officer's comments relating to creep.

Councillor Church proposed refusal of the application, on the grounds of S7, GEN 2, ENV2 and GEN 1E.

This proposal was seconded by Councillor Emanuel.

RESOLVED that the application be refused on the above grounds.

*Statements were read out from Councillor C Criscione and D Arora opposing the application.*

*D Bauer, A Crow, Councillor K French (Little Dunmow PC), C Harris, Councillor S Harris (Flitch Green PC), C Horne, T Jack, J Pratt and P Wyndham-Pearce spoke against the application.*

*J Billingsley and J Cage spoke for the applicant in support.*

*There was a brief adjournment from 3.30 pm to 3.35 pm.*

#### PC101 **UTT/23/0878/DFO - LAND TO THE WEST OF THAXTED ROAD, DEBDEN**

The Senior Planning Officer presented a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following outline application UTT/20/0264/OP for the erection of 25 private and affordable dwellings. The application proposed 10 affordable units a public open space to the front of the site.

He outlined amendments to condition 10 in section 17 of the officer's report which should read:

Prior to occupation of the development hereby approved, a 2-metre wide footway (with localised adjustments as and where necessary) 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: In the interest of highway safety and accessibility, 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).

He also proposed an additional condition to those in section 17 of the officer's report:

Notwithstanding any drawings or information hereby approved indicating otherwise, the layout of the development hereby approved shall be implemented in full accordance with the approved Revised Site Plan drawing (reference number PL13 Rev D).

REASON: For clarity purposes, in accordance with policies S7, GEN1, GEN2, GEN8 of the adopted Uttlesford Local Plan (2005), and the NPPF.

The officer reported a typo in paragraph 14.3.2 of the officer's report, as the 5-Year Housing Land Supply should read 5.14 years.

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

In response to questions from Members, officers:

- Clarified the recommended changes to Condition 10.
- Said that the revision to access related to the visibility splays as previously approved at the outline stage and other revisions requested by the Highway Authority (as shown in their consultation responses).
- Said that although the Uttlesford Design Guide was going through the consultation process, no reference could be made to it, particularly in relation to tandem parking matters, as tandem parking was allowed by the current Essex County Council Parking Standards (2009).
- Said that the level of detail submitted regarding drainage and flood risk had been considered to be appropriate by the Lead Local Flood Authority.
- Confirmed the proposed housing density as 23.8 dwellings per hectare.

Members discussed:

- Concerns that this was a gateway development to the village and general dissatisfaction with proposed triple tandem parking arrangements and the overall layout of the development.
- The fact that the proposed housing was imposing and wrong for the village of Debden by reason of its design, scale and layout.
- Concerns about the development feeling too dense, with a lack of appropriate boundary treatments in relation to the existing housing in the area.
- Design concerns, particularly at the edges of the development and that it was considered more of an urban aesthetic development.

- Concerns over the proximity of the flats to the neighbouring properties to the north.
- The clear need to involve the Parish Council and the local community in discussions with the developer.
- The need for a site visit.

Councillor Bagnall proposed deferral of the application, in order to resolve the issues raised during the discussion above. This was seconded by Councillor Sutton.

RESOLVED that the application be deferred, in order to resolve issues raised.

*J Collins, C Griffin, P Sando and Councillor A Gardner (Debden PC) spoke against the application.*

*The meeting adjourned from 4.25 pm to 4.30 pm.*

**PC102 UTT/21/3783/OP - LAND AT NEW BURY MEADOW, HATFIELD BROAD OAK (WITHDRAWN)**

This item had been withdrawn prior to the meeting.

**PC103 UTT/23/1439/FUL - LAND EAST OF THE STAG INN, DUCK STREET, LITTLE EASTON**

The Head of Development Management and Enforcement presented an application for 44 residential units and 3 commercial units, the inclusion of 3 additional plots for self-build homes, together with associated access, car parking and landscaping. He outlined the differences from the approved scheme on the site.

He recommended that the application be approved subject to the reasons set out in section 17 of the report.

In response to questions from Members, officers:

- Acknowledged that there had also been changes made to the housing types.
- Said that SUDS were satisfied in respect of sustainable drainage arrangements.
- Said that a Management Company would be responsible for SUDS in this instance.

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

Members discussed:

- Concerns that this was more than just a minor change but was effectively a new scheme with new types of housing and that it was not suitable.
- Conditions being needed in respect of an ecology impact assessment.
- There being a need for the developer to work with the community to take the matter forward.

The Agent was not allowed to speak on this item, as the application had been recommended for approval, with no public speakers registered to speak against the recommendation.

Councillor Lemon proposed that the matter be deferred to allow the situation to be clarified and for the developer and officers to have further discussions, particularly in respect of the design thinking.

This was seconded by Councillor Sutton.

RESOLVED that the application be deferred in line with the motion above.

The Head of Development Management and Enforcement also indicated that responsibility for this case would revert to the original case officer who was in a position to take this forward.

PC104 **UTT/23/2141/FUL - LAND SOUTH OF CORNELLS LANE, WIDDINGTON**

The Senior Planning Officer presented an application for the demolition of existing stables and buildings and the erection of a detached dwelling with wildflower meadow and planting.

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

In response to questions from Members, officers:

- Confirmed that there would be no changes needed to existing access arrangements and visibility splays.
- Said that the previous scheme had been refused and was an outline proposal.
- Said that consideration could be given to removal of permitted development rights in respect of Class E (outbuilding) of Part 1 of Schedule 2 of the General Permitted Development Order, only to the area where the wildflower meadow was proposed. For the land on and around the proposed dwelling, Permitted Development rights would not need to be withdrawn given that the scheme would not represent over-development of the site and the appropriate garden space could be secured even if Permitted Development rights were exercised.

Members discussed:

- The possibility of some discretion being applied to this application, particularly with the meadow arrangements being conditioned.
- There being general agreement with the points made by Councillor Hargreaves in his statement.

- That the development would be quite contained.
- That lighting arrangements could be conditioned.
- That on the planning balance the benefits were considered to outweigh adverse impacts.
- That the 1-unit scheme that benefitted from planning permission to the south of the application site was a material consideration that would show that the proposed dwelling would 'round off' the built form of this housing cluster, limiting the impact to the character and appearance of the area.

The Chair proposed that the Strategic Director of Planning be authorised to grant permission for the development on the basis that the benefits outweighed the adverse impacts with conditions attached. This was seconded by Councillor Pavitt.

The conditions should include:

- Time limit condition.
- Implementation in accordance with the approved drawings.
- All conditions recommended by consultees that meet the tests of paragraph 56 of the NPPF (as justified by the consultees).
- A condition to ensure the wildflower meadow remains as such at all times (to preserve the character and appearance of the area).
- Materials to be used in the external finishes (to preserve the character and appearance of the area).
- Soft and hard landscaping measures (to preserve the character and appearance of the area).
- Energy and water efficiency measures (to ensure energy and water efficiency as required by the adopted Uttlesford Interim Climate Change Planning Policy (2021)).
- To remove Permitted Development rights under Class E Part 1 Schedule 2 of the General Permitted Development Order for the area outlined in the drawings as wildflower meadow land (to ensure no built form is built on this open land).
- A lighting design scheme for biodiversity (to avoid harm to protected species or priority species).
- A car charger (to improve air quality).
- A Part M condition (to ensure accessibility).
- A contamination condition (phase 1, phase 2, etc.) to ensure no harm to human health and the environment.
- A condition to ensure all existing structures are demolished and the container and any other buildings removed from the land (to preserve the character and appearance of the area).

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development on the basis that the benefits outweighed the adverse impact, together with the above conditions.

*A statement was read out from Councillor N Hargreaves supporting the application. T Gilder (Applicant) spoke in support.*

*The meeting ended at 5:15 pm.*



## Criteria For Designation – Speed and Quality

### Speed of planning decisions

Measure and type of Application	Threshold and assessment period. October 2019 to September 2021	Threshold and assessment period. October 2020 to September 2022	Threshold and assessment period. October 2021 to September 2023	Threshold and assessment period. October 2022 to September 2024	Live Table
Speed of major Development	60% (76.27%)	60% (80.30%)	60% (83.33%)	60% (83.64%**)	District - P151a
Speed of non-major Development	70% (82.75%)	70% (85.06%)	70% (84.82%)	70% (85.10%**)	P153

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

### Quality – Appeals

Measure and type of Application	Threshold and assessment period. April 2018 - March 2020 (appeal decisions to end December 2020)	Threshold and assessment period. April 2019 to March 2021 (appeal decisions to end December 2021)	Threshold and assessment period. April 2020 to March 2022 (appeal decisions to end December 2022)	Threshold and assessment period. April 2021 to March 2023 (appeal decisions to end December 2023)	Live Table
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% (1.74%*)	P154

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

# Agenda Item 4

**Committee:** Planning Committee  
**Date:** 13 December 2023  
**Title:** Quality of Major Applications  
**Author:** Dean Hermitage

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## 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	Hearing	Hearing closed

	Parsonage Farm Lane Great Sampford		
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**

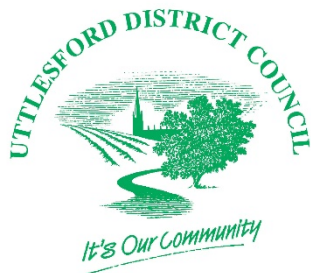
Applications which have been submitted direct to the Planning Inspectorate

<b>Date Notified:</b>	<b>Planning Inspectorate Reference:</b>	<b>Uttlesford District Council reference:</b>	<b>Site Address:</b>	<b>Proposal:</b>	<b>Local Planning Authority Role:</b>	<b>Decision from PINs:</b>
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	Opinion Given

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	
09/11/2023	S62A/2023/0025	UTT/23/2616/PINS	Land To The North Of Eldridge Close Clavering	Consultation on S62A/2023/0025 - Outline planning application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development	Consultee	





**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 13 December 2023

**REFERENCE NUMBER:** UTT/23/2616/PINS

**LOCATION:** S62A/2023/0025  
Land To The North Of Eldridge Close  
Clavering



**PROPOSAL:** Consultation on S62A/2023/0025 - Outline planning application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development

**APPLICANT:** Mr D Rich-Jones- Richstone Procurement Ltd

**AGENT:** Mrs K Sutton- Andrew Martin Planning

**EXPIRY DATE:** 15 December 2023

**EOT Expiry Date** N/A

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** This is a report in relation to a major (full) 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.

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**1. RECOMMENDATION**

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

Details are to be outlined by the Planning Committee.

**2 SITE LOCATION AND DESCRIPTION:**

**2.1** The application site is located to the north of Eldridge Close in the village of Clavering. The site comprises of agricultural land and is bound to the west by mature trees, to the east of the site is the boundary of the residential dwellings along Clatterbury Lane.

2.2 Within the northern section of the application site there is a public foot path linking to Clatterbury Lane and the agricultural land to the northwest of the site.

3. **PROPOSAL**

3.1 This application seeks outline planning permission with all matters reserved except access for up to 28 dwellings public open space, sustainable drainage systems, landscaping and associated infrastructure and associated development. The site will include highway access through Eldridge Close linking onto the existing highway.

3.2 The application includes an illustrative Site Plan and Street Scene set out the framework for matters such as building heights, scale, architectural appearance and materials and demonstrate how the site could be development for the number of units proposed, whilst meeting relevant parking and amenity standards and having regard to the landscape characteristics of the site.

3.3 The proposal will include 28 units on a site area of 1.35ha, generating a density of 21 dwellings per hectare. The development will include 40% affordable housing units (12 units) secured through a S106 agreement.

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**

Reference	Proposal	Decision
UTT/22/1578/OP	Outline planning application with all matters reserved except access for up to 32 dwellings including public open space, sustainable drainable systems, landscaping and associated infrastructure and associated development.	Refused 3/8/23  Countryside Harm Loss of Ag Land No S106 completed.  Appeal Lodged  Decision reason provided in Appendix 2.
UTT/20/1628/OP	Outline planning application with all matters reserved except access for up to 9 dwellings (Class C3)	Refused, appeal dismissed.

	including, public open space, sustainable drainage systems, landscaping and all associated infrastructure and development.	Decision provided in appendix 1
UTT/13/3357/DFO	Details following outline application UTT/2149/11/OP for the erection of 23 No. dwellings, garaging and associated development with approval for access, appearance, landscaping, layout and scale	Existing Eldridge Close Site  Refused, allowed at appeal.
UTT/2149/11/OP	Outline application for erection of 24 dwellings and associated and ancillary development with all matters reserved	Existing Eldridge Close Site  Refused, allowed at appeal.

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

**6.1** Pre application advice was sought prior to the submission of the planning application. It was concluded that as a result of the planning appeal APP/C1570/W/21/3267624 that 35 dwellings would provide a number of benefits that may outweigh the harm to the character of the countryside setting. That being said the introduction of the dwellings and the existing constraints of the site may result in a development that is overdeveloped and will not have a sufficient level of green space.

**6.2** The applicant has confirmed no community consultation has taken place. The application came off the back of the refusal for 9 units. During the course of that application the Parish Council, Keep Clavering Rural group and local residents put forward comments which were all read by the applicant. Should outline permission be approved that sets the principle of development the applicant would welcome discussions with the Parish so that a development is presented at Reserved Matters stage that is appropriate to the village setting

**6.3** The applicant has confirmed no community consultation has taken place.

## **7. STATUTORY CONSULTEE RESPONSES**

**7.1** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority).

**7.2** Accordingly, it should be noted that a number of considerations/advice normally obtained from statutory consultees to assist the Local Planning

Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

**7.3** It is noted no statutory consultee comments have been received.

## **8. PARISH COUNCIL**

**8.1** These should be submitted by the Parish Council directly to PINS within the 21-day consultation period.

## **9. CONSULTEE RESPONSES**

### **9.1 UDC Environmental Health**

**9.1.1** No objections raised in regard to:

- Contaminated land,
- Noise- condition recommended,
- External lighting- condition recommended

### **9.2 UDC Housing Enabling Officer**

**9.2.1** The proposed affordable housing mix within the application would provide a good range of size and type of property to assist those in housing need. Each of the proposed properties meet NDSS and have sizeable private amenity space.

**9.2.2** Although affordable plots 1 and 2 meet NDSS, the preference is for them to be 2 bed 4 person houses rather than 2 bed 3 person houses. It would be useful for the applicant to show which properties are M4(3)2b wheelchair accessible compliant upon the accommodation schedule. I confirm that Uttlesford District Council would have 100% nomination rights to the affordable rented units at first let.

**9.2.3** It is good to see energy efficient measures including air source heat pumps, EV charging points and PV panels (where possible) incorporated into the design.

### **9.3 Place Services Ecology Consultant**

**9.3.1** No objection subject to securing biodiversity mitigation and enhancement measures.

### **9.4 Essex Police**

**9.4.1** No objections, further crime reducing design features should be considered.

### **9.5 UDC Heritage Officer**

**9.5.1** 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.

**9.5.2** The outline application does not provide sufficient detail to show that the historical context has been considered. The Applicant should progress a detailed analysis of the history of the site and surrounding areas. The research should be used to illustrate how the development would benefit the area, including enhancements of public space, interfaces, and routes.

## **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.

**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** Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant permission. The Local Planning Authority may amend or remove condition but may not amend any other part of the permission and therefore the original permission remains intact.

Therefore, this means that a developer may elect which permission to implement.

## **12. The Development Plan**

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

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

- 13.2.1** S7 – The countryside
- GEN1- Access
- GEN2 – Design
- GEN3 -Flood Protection
- GEN4 - Good Neighbourliness
- GEN5 - Light pollution
- GEN6 - Infrastructure to support development
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- H9 - Affordable Housing H10 - Housing Mix
- ENV1 - Design of development within the conservation area
- ENV2 - Development affecting Listed Buildings.
- ENV3 - Open Space and Trees
- ENV4 - Ancient Monument and sites of Archaeological Importance
- ENV5 - Protection of Agricultural Land
- ENV11 - Noise generators
- ENV13 - Exposure to poor air quality
- ENV14 - Contaminated land

### **13.3 Supplementary Planning Document or Guidance**

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Parking Standards (2009)



**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Location and principle of housing**
  - B) Character, Appearance and heritage**
  - C) Transport**
  - D) Accessibility**
  - E) Amenity**
  - F) Flooding**
  - G) Infrastructure**
  - H) Protected species and biodiversity**
  - I) Archaeology**
  - J) Affordable housing**
  - K) Housing mix**
  - L) Contamination**
  - M) Exposure to poor air quality**
  - N) Light pollution**
  - O) Climate Change**
  - P) Planning balance**
  - Q) Other matters**

**14.3 A) Location and principle of housing**

**14.3.1** The Local Plan places the site beyond the defined Development Limits for towns and villages, and therefore in a countryside location whereby development for housing is inconsistent with Policies S7 and H1. The location of the application site is to the northern part of the village where planning application on this site for dwellings (UTT/20/1628/OP) was refused and subsequently dismissed by the Planning Inspector.

The Planning Inspector deciding the previously dismissed appeal (UTT/20/1628/OP) considered the following:

- The site is not allocated for housing in the Uttlesford Local Plan 2005,
- It is therefore considered by to be countryside (ULP Policy S7),
- The proposal will intrude into the countryside and it would also significantly alter the form of the settlement,
- The proposal would detract from the open character of the countryside.

Therefore, the principle of the development and the introduction of the residential development at this location would be in conflict with the aims of ULP Policy S7.

**14.3.2** The NPPF is clear that achieving sustainable development, the social objective seeks to ensure that a sufficient number and range of homes

can be provided to meet the needs of present and future generations. Paragraph 79 sets out to promote sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services.

- 14.3.3** Appeal decision – UTT/20/1628/OP, considered the residents of new houses would be likely to contribute to the social life of the settlement and help support its services and facilities. Residents would contribute financially to local shops and services in the long term. This is a location where development in one village is also likely to support services in villages nearby.
- 14.3.4** In regard to transport, Appeal decision – UTT/20/1628/OP noted that, probably most, journeys by future residents, are likely to be by private vehicle, however, journeys to more local facilities and services would be relatively short and provision can be made to encourage the use of more sustainable vehicles, walking and cycling.
- 14.3.5** Notwithstanding the above conflict with ULP Policy S7, taking into consideration the decision details of the previous appeal the location of the proposal is in accordance with paragraph 79 of the NPPF which takes a less restrictive approach compared to the Local Plan, supporting the growth of existing settlements while preventing isolated homes. The sites location adjacent the built up area of Clavering ensures it consistency with Paragraphs 79 of the NPPF.
- 14.3.6** ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 174 (b) of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies as it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable. It is noted the Planning Inspector, that considered the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land. As such although the loss of the agricultural land is a material consideration the weight applied to this application is considered to be limited.
- 14.3.7** In conclusion to the principle and location of the proposed development, the introduction of the dwellings will be in conflict with ULP Policy S7. However, the location of dwellings would support services in village and other nearby settlements, also the reliance on the use of private vehicle it would not be a matter that would weigh against the proposal in this case.

#### **14.4 B) Character, Appearance and Heritage**

- 14.4.1** The introduction of the housing to an undeveloped field would inherently have a harmful effect on the rural character of the area, in conflict with

ULP Policy S7 and paragraph 170 of the NPPF. However, it is necessary to determine the weight that should be given to such adverse effect.

- 14.4.2** The Council's Landscape Officer has been consulted on this application and has advised their comments remain as per the previously refused planning application. There is no dispute that the proposed development with the introduction of built form would have a major adverse impact on the existing rural character of the site itself. However, the site is well contained by existing boundary vegetation and the proposed development would have medium/low impact on the wider landscape.
- 14.4.3** Furthermore, the submitted tree survey/report has been reviewed by the Council's Landscape Officer and it is considered to be acceptable subject to the use of a compliance condition relating to root/ tree protection measures. The root protection measure will protect the trees within the application site and ensure there is no impact to the Protected Trees within the neighbouring site. Due to the nature of the outline planning permission a full landscaping scheme.
- 14.4.4** The proposal will result in the introduction of built form within the site, although due to this application is for outline planning permission with all matters reserved the scale, layout and design of the dwellings is not considered at this stage.
- 14.4.5** ULP Policy GEN2 considers the design of development and is directed at ensuring that the design of development is compatible with the surrounding area. Criteria (a) includes a requirement that development is compatible with the form and layout of the surrounding buildings. Whilst the proposal would be at odds with the form of the village, it would reflect, to some extent, the existing form and layout of the neighbouring properties
- 14.4.6** The proposal is for up to 28 dwellings and which will provide a density of 21 dwellings per hectare. The proposed layout follows a layout that attempts to respond to the pattern of development that characterises the existing village and provides a continuation from the south of and Eldridge Close. The layout provides an active street frontage with a majority of the units facing out to the open space areas.
- 14.4.7** The proposal as submitted would provide a central corridor of green space which provides a sense of opens throughout the development. Permeable views between buildings and retains the tree lined site boundaries are visible. To the northern section of the site will include a farmstead formation with a mixture of dwellings that will have an agrarian appearance. A contemporary scheme has been proposed that transitions from the more traditional design of Eldridge Close to a more modern interpretation of traditional forms.
- 14.4.8** The existing public foot path within the application site is the one visual receptor location that would experience a significant level of visual effect. Although this is the case it is proposed to locate the footpath within a

green corridor through the site and therefore although not providing wider landscape views it would provide an enhanced route through the site.

- 14.4.9** Whilst the layout, scale, design and landscaping are reserved matters there is significant detail within the proposed site layout plan and Design and Access Statement to demonstrate how the existing landscaping features could be enhanced. Although the introduction of the built form would alter the appearance of the site, the mitigating factors and enhancement of the existing features will be included.
- 14.4.10** The introduction of the dwellings would not be readily directly be visible from the south of the site and along Stickling Green Road as it would be screened by intervening existing dwellings within Elmbridge Close. A number of the trees to the Western Boundary do not fall within the application site and therefore out of the control of the applicant however enhanced planting will be to the west, east and north of the site to provide screening and provide visual amenity for both the future residents of the site and also the neighbouring properties along Clatterbury Lane, however this would form part of the landscaping detail which is a reserved matter
- 14.4.11** In regards to heritage, ULP 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.
- 14.4.12** The Council's heritage Officer has noted that there are no designated heritage assets within the site, however a character study and/or historical analysis of the site including the evolution of local settlements would show an understanding of how the built environment has developed in this area, and how the proposed development would enhance the local vernacular.
- 14.4.13** Although the character study of the site would be of a benefit, it is considered the proposed development would preserve the special interest of any nearby heritage assets, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and ULP Policy ENV2.

## **14.5 C) Transport**

- 14.5.1** Local Plan Policy GEN1 states "development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.

- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, 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 expects to have access.
- e) The development encourages movement by means other than driving a car.”

**14.5.2** Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

**14.5.3** The site location on the edge of the village ensures that the residents of the development would have reasonable access to a range of services and facilities, including primary school, two public houses, local shop and post office. It is noted the site does have limited sustainable transport options which makes it likely that the occupiers of the proposed dwellings would use a car to access most services, facilities and employment opportunities. This represents a conflict with Policy GEN1.

**14.5.4** However, there is no conflict with the more up-to-date policy at Paragraph 103 of the NPPF which advises that ‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas’ with rural areas naturally much more likely to have to make use of a car. Therefore, whilst not a positive for the proposed development the lack of sustainable transport options cannot be seen as a major negative either. Due to the location of the site and close by to available local facilities, this should be considered positive and that the proposed development would help to support these local services. The transport and access issues were not upheld in the previous planning appeal and to be consistent with this it is considered the development therefore, subject to condition, will be in accordance with ULP Policy GEN1 and the NPPF.

**14.5.5** The decision of the previous planning appeal on this site considered probably most journeys by future residents are likely to be by private vehicle. However, given the range of services available locally and the benefits to these services that would accrue, the likelihood of a high reliance on private vehicles is not a matter that would weigh against the proposal.

**14.5.6** Due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making, no comments have been received from the Highways Authority. Although this is the case it is not considered the proposal will have any undesirable effects on pedestrian movements in the area and it will continue to provide connectivity to the surrounding pedestrian network.

**14.5.7** Based on low housing density in Stickling Green, it is expected Stickling Green Road to carry low traffic volumes and expected to have sufficient

capacity to accommodate the additional vehicle trips. The traffic from future residents of the development will have a low-level impact on the surrounding highway network including Eldridge Close and Stickling Green Road and therefore will not require any highway mitigation measures. All carriageway characteristics such as radii, widths, sight, and driveway visibility shall comply with the Essex Design Guide.

**14.5.8** Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and will be considered as part of reserved matters.

**14.5.9** It is noted the existing road within Eldridge Close measures 5.5m across and has footpaths to each side. Although not a material planning application it is advised by the applicant Weston Homes currently have a Section 38 / 278 application submitted with Essex County Council Highways for the road to be adopted.

#### **14.6 D) Accessibility**

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

#### **14.7 E) Amenity**

**14.7.1** Taking into account The Essex Design Guide, which represents non adopted but useful a guidance, it is considered the proposed scheme will include appropriately sized rear amenity space and that there would be no significant effects on amenity of neighbouring properties with respect to daylight, privacy or overbearing impacts.

**14.7.2** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and noise from the residential use of the site. However, the application is for outline planning permission therefore the layout and landscaping that would likely mitigate such impacts of the development. Layout and landscaping would be a reserved matter and due consideration would need to be made in a subsequent reserved matters application.

#### **14.8 F) Flooding**

**14.8.1** Policy GEN3 contains the Local plan for flooding, although this has effectively been superseded by the more up to date flood risk polices in the NPPF. The application site is located in Flood Zone 1 where development is considered appropriate. The application includes a flood risk assessment and proposed drainage scheme.

**14.8.2** A Flood Risk Assessment and Drainage Strategy has been submitted with this application with this application inclusive of a 'Drainage Strategy' (plan attached for ease of viewing). There is a ditch along the southern boundary of the site that connects to the wider network. The proposed scheme has a feature swale system integrated into the public open spaces. This will control the outfall into the existing ditch at a lower rate than it currently discharges, thus will have no impact upon the existing residents.

**14.8.3** Taking into consideration the details submitted with the application it is considered the development accords with ULP Policy GEN3 and the development will not result in any flood risk subject to the imposition of conditions and mitigation measures.

**14.8.4** In regard to foul drainage at outline stage a detailed foul drainage has not been fully designed and would be more appropriate at the reserved matters stage. The applicant has advised the initial thoughts are to connect the new drainage pipes to the existing foul sewage system in the normal way. With regards to capacity, the sewage company have a legal obligation to provide suitable drainage in adopted all areas. Therefore, the development would not have a detrimental effect of the residents of Elmbridge Close in regard to foul drainage.

#### **14.9. G) Infrastructure**

**14.9.1** Local Plan Policy GEN6 states that "Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority." If the application was approved mitigation measures will be secured by way of S106 agreement.

#### **14.9.2 Affordable Housing**

40% affordable housing (including first homes) would be provided in accordance with Local Plan Policy H9. Also, 5% wheelchair accessible housing provision will be secured should planning permission be granted.

#### **14.9.3 Education**

A payment of an education contribution relating to the number of school places generated by the application will likely be required. It is noted ECC will be providing this information prior to the completion of the required S106 legal agreement.

#### **14.9.3 Provision and maintenance of public open space**

The details relating to public open space proposed as part of the development is a reserved matter, however it is clear that this would be provided as part of the proposed development. Details of the maintenance by ongoing management company or other body should be provided.

#### **14.10 H) Protected species and biodiversity**

**14.10.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

**14.10.2** The application includes an ecology survey report, due consideration is made to this. Taking into account the comments from the Council's Ecology Consultant, it is considered that subject to conditions it is unlikely that the development would have significant adverse effects on any protected species or valuable habitat. It is therefore concluded that the proposal accords with the above policies.

#### **14.11 I) Archaeology**

**14.11.1** Taking into consideration the location of the site the development and the previous comments from the Essex County Council Archaeology Officer, it is considered no conditions, further surveys or ground works are required for this site. Therefore, the development is in accordance with Local Plan Policy ENV4 and the NPPF.

#### **14.12 J) Affordable Housing**

**14.12.1** Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable housing provision is consistent with Policy H9. A total of 12 affordable home would be built, in accordance with the requirement that 40% of new homes should be affordable. The affordable housing will be secured by a legal agreement and will include the following:

**14.12.2** At this stage it is anticipated that this will comprise the following mix of units, including:

- 3 x 1 bed apartments
- 2 x 2 bed apartments
- 4 x 2 bed houses
- 3 x 3 bed houses

**14.12.3** Subject to securing the above the development would be in accordance with Local Plan Policy H9.

#### **14.13 K) Housing Mix**



**14.13.1** Policy H10 requires that a significant proportion of market housing comprises smaller properties, with two or three bedrooms. As all of the proposed houses would be in this category it is concluded that the proposal accords with Policy H10.

**14.14 L) Contamination**

**14.14.1** ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application site may have the potential risk of contamination and therefore the UDC Environmental Health Officer has been consulted. No objections have been made subject the imposition of a planning condition. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

**14.15 M) Exposure to poor air quality**

**14.15.1** ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12-month period, which the annual mean-based air quality objectives requires. The impact can be minimised by adopting non car travel, further mitigation can include the introduction of electric vehicle charging points. As such it is considered the development accords with ULP Policy ENV13 and Paragraph 105 of the NPPF.

**14.16 N) Light pollution**

**14.16.1** ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution, however, it is recommended a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development should planning permission be granted. Therefore, the development is capable of being in accordance with Local Plan Policy GEN5 in this respect.

**14.17 O) Climate Change**

**14.17.1** Following the adopted UDC Interim Climate Change Policy (2021) due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and ways their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy

Guidance. The applicant has included a statement demonstrating how the proposal accords with this policy.

- 14.17.2** The location of the site is part of a sustainable extension to Clavering, the minimising of carbon emissions through the development itself are demonstrated in the following paragraphs.
- 14.17.3** The proposal takes into consideration the existing landscape working with the existing topography of the site to avoid regrading of the site and the need to export soil from the site, this limits the impacts on climate change.
- 14.17.4** The drainage solution adopted for the site make suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.
- 14.17.5** The proposed landscaping scheme include further planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting. In biodiversity terms there would be a gain in habitat provided in the proposed landscape scheme, however details of this would be a reserved matter.
- 14.17.6** The use of solar panels is proposed which takes advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels, etc.
- 14.17.7** Air source heat pumps is also proposed which can take heat from the outside air and use this to heat the dwellings.
- 14.17.8** In promoting sustainable travel, the development will provide appropriate storage for cycles, electric vehicle charging points and the provision of a residential travel pack for future occupiers.

**14.18 P) Planning balance**

- 14.18.1** 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.
- 14.18.2** 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.

**14.8.3** The decision of the previously dismissed planning appeal– UTT/20/1628/OP provides a material consideration for this proposal. The key points made include;

- The site is not allocated for housing in the Uttlesford Local Plan 2005,
- It is therefore considered by to be countryside (ULP Policy S7), however it can only be afforded little weight.
- Character and appearance of the countryside is consistent with the NPPF and can be afforded considerable weight.
- The proposal will intrude into the countryside and it would also significantly alter the form of the settlement,
- The proposal would detract from the open character of the countryside.
- Nine dwellings only offered limited benefits that would not outweigh the loss of open countryside.
- The nine dwellings would be an inefficient use of the land.

**14.18.4** Benefits of the development:

The following breaks down the economic, social and environment benefits of the development:

**14.18.5** Economic

- Short term benefits during the construction phase, with benefit to local companies e.g. contractors, sub-contractors, trades and suppliers,
- Occupiers of the houses would contribute to the local economy in the long term, in Clavering and surrounding areas,

**14.18.6** Social

- The construction of up to 28 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. Therefore, the benefit of general housing delivery is given **limited to moderate positive weight**.
- Provision of 12 affordable homes (40%), **significant positive weight** can be afforded to the delivery of affordable housing.
- Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies, 6 no. bungalow to meet housing needs. This is considered to afford **moderate positive weight**.

**14.18.7** Environmental

- Quality build and design, fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. Each dwelling would also

be provided with an electric vehicle charging point- **Afforded Limited Positive weight**

- Encouraging pedestrian and cycle use to through improved walking routes and provision of convenient and secure cycle storage; **Afforded Limited Positive weight**
- The proposal will include an appropriate density of which makes efficient use of the site- **Afforded limited to moderate positive weight.**
- New tree and hedgerow planting which will bring ecological and environmental benefits; **Afforded limited to moderate positive weight.**
- Opportunities to provide green route for the existing footpath within the site- **Afforded Limited Positive weight.**
- Biodiversity net gain in the form of ecology enhancement within the site including wildflower areas, swales, tree lined streets, a pond and a water garden and sedum roofs- **Afforded limited to moderate positive weight.**
- Provision of landscaped footpath corridor for use by the public- **Afforded Limited Positive weight.**
- Retention of trees to the boundary of the site- **Afforded Limited Positive weight.**
- Delivery of high-quality design with appropriate scale, form, density, architecture and materials- **Afforded Limited Positive weight.**

**14.19** Adverse impacts of the development:

**14.19.1** The development would have a **significant negative effect** on the immediate landscape, character and appearance of the site due to the introduction of built form to the site. Whereas the wider landscape harm will would have a **lower /limited negative harm.**

**14.19.2** The proposed development would result in the permanent loss of the agricultural land that is defined as the Best and Most Versatile (BMV) agricultural land Grade 2, this is afforded moderate negative effect. It is noted the Planning Inspector deciding the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land. The development would have a **limited negative effect** on the provision of agricultural land and result in conflict with Policy ENV5.

**14.20** Neutral Factors:

**14.20.1** 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 tilted balance. These factors include neighbouring amenity, noise, air quality, highway safety and ground conditions.

**14.21** **Q- Other matters**

**14.21.1** 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.

- 14.21.2** 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.
- 14.21.3** 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
- 14.21.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, 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.
- 14.21.5** 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.

## **15**      **CONCLUSION**

- 15.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.
- 15.2** Following the above assessment and balancing exercise 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.
- 15.3** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

## **Appeal Decision**

Site visit made on 26 July 2021

**by P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021.

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**Appeal Ref: APP/C1570/W/21/3267624**

**Land to the north of Eldridge Close, Clavering, Essex CB11 4FZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Richstone Procurement Ltd against the decision of Uttlesford District Council.
  - The application Ref UTT/20/1628/OP, dated 2 July 2020, was refused by notice dated 15 September 2020.
  - The development proposed is up to 9 dwellings (Class C3) including, public open space, sustainable drainage systems, landscaping and all associated infrastructure and development.
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are the effect on the character and appearance of the area; and whether the proposal would represent sustainable development.

### **Reasons**

3. The application seeks outline permission for up to nine dwellings with all matters reserved except for access. The plans show an indicative layout with access from the head of Eldridge Close. The application was refused for two reasons with one relating to the access. The appellant has submitted an Access Road Strategy Plan which has been considered by the highway authority who have indicated that this satisfies their concerns subject to the imposition of seven conditions. The conditions appear to meet the tests of the National Planning Policy Framework 2021 and on this basis, the second refusal reason does not require further consideration.
  4. The remaining reason for refusal relates to the site being in the countryside and the likely impact on the character and appearance of the area. The land is currently in agricultural use and located adjacent to the settlement edge, being bounded to the south by the relatively high density housing area of Eldridge Close and to the east by the detached houses along Clatterbury Lane which are set in large gardens. The site is not allocated for housing in the Uttlesford Local Plan 2005 (LP) and lies just outside the designated development limits of Clavering (Hill Green). It is therefore considered by LP policy S7 to be in the
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countryside. Part of the policy requires that, in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The development is clearly contrary to this element of the policy.

5. The second element of the policy sets out that 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. The proposal would result in new development intruding into the countryside and it would also significantly alter the form of the settlement. This is a rural settlement made up of distinct parts but it is characterised by often loose knit linear development along the roads through the village. Eldridge Close is an exception to this character having been more recently developed, on previously developed land, predominantly within the development limits boundary. Although the site is relatively well contained, it is experienced from the adjoining houses and from the public footpath which runs through it, into further countryside beyond. The proposal would detract from the open character of the countryside which forms the setting for the settlement; and it would be at odds with both the traditional development that contributes to the overall character of the village and with the more modern higher density development that would provide access to it. It would detract from the currently open experience of the footpath through this countryside area. It would therefore conflict with the second element of policy S7
6. Policy GEN2 is directed at ensuring that the design of development is compatible with the surrounding area rather than considering the principle of what, in this instance, would be a significant extension to the form of the village. Criteria (a) includes a requirement that development is compatible with the form and layout of the surrounding buildings. Whilst the proposal would be at odds with the form of the village, it would reflect, to some extent, the existing form and layout of the neighbouring properties to the east. I am not satisfied that this design policy seeks to address the impact on the countryside which is covered by the second part of policy S7. As such, the detailed reserved matters would be able to generally satisfy the requirements of policy GEN2.
7. Overall, the proposal conflicts with policy S7 which is the main policy for considering such development. The appellant refers to a recent appeal decision in the district, reference APP/C1570/W/19/3242550. In that case, the inspector found that the council could not demonstrate a five year supply of housing land and advised that the council's witness accepted that development of greenfield sites in the countryside would be necessary for the council to meet its housing targets. The housing supply position was considered to strictly limit the weight that could be afforded to policy S7 and engaged the default position identified in paragraph 11(d) of the Framework. Those conclusions remain relevant to this appeal. As the council are unable to demonstrate a five year supply of available housing sites, the element of policy S7 that refers to restricting housing development in the countryside can be afforded little weight. However, the second element, which relates to the character and appearance of the countryside, is consistent with the Framework and can be afforded considerable weight.

8. The Framework is clear at paragraph 11(d)(ii) that in circumstances such as this, where housing supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. It is necessary therefore to assess the proposal against the Framework as a whole and to identify whether adverse impacts would result.
9. The Framework is clear that achieving sustainable development means that the planning system has three overarching objectives, economic, social and environmental. The social objective seeks to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraph 79 sets out to promote sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services. The proposed site lies adjacent to the settlement boundary and the residents of new houses would be likely to contribute to the social life of the settlement and help support its services and facilities. Residents would contribute financially to local shops and services in the long term and the investment required to build the houses would provide benefits in the short term. This is a location where development in one village is also likely to support services in villages nearby. In this respect, the Framework offers support for the proposal as it would help to support the vitality of local communities, although being for only nine houses, these benefits would be limited.
10. Many, probably most, journeys by future residents, are likely to be by private vehicle. Trips to access higher order settlements, jobs, transport links and a full range of services are likely to require significant journeys on country roads. However, journeys to local facilities and services would be relatively short and provision can be made to encourage the use of more sustainable vehicles, walking and cycling. Within the local area there is a good range of such facilities and services. However, this is not a highly accessible location for new housing. Despite this, given the range of services available locally and the benefits to these services that would accrue, the likelihood of a high reliance on private vehicles is not a matter that would weigh against the proposal in this case.
11. The application is in outline and the houses could be designed to high environmental standards and given the lack of flood risk concerns, these matters would provide weight in favour of the proposal. As the access has now been considered by the highway officer to be acceptable subject to conditions, there would be no conflict with paragraph 111 which seeks to avoid highway safety impacts. As the existing footpath through the field would be retained, this would offer benefits with regard to the permeability of the site and offer improved walking routes for residents in accordance with paragraph 100 of the Framework.
12. The illustrative layout indicates that existing boundary trees would be retained and there is clear potential for sustainable drainage provision and ecological enhancements. These matters gain support from the environmental objectives of the Framework, particularly paragraph 174(b & d) with regard to maintaining trees and woodland; and minimising impacts on and providing net



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gains for biodiversity. The houses proposed could also offer high living standards for future residents. These matters gain support from the social and environmental objectives of the Framework.

13. The Framework requires that a sufficient number and range of homes can be provided to meet the needs of present and future generations to satisfy its social objectives. This proposal, being for only nine houses, would offer only limited benefits in this respect. Paragraph 119 requires that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Whilst this proposal would provide safe and healthy living conditions, it would not be an effective or efficient use of land. It would represent less than seven houses per hectare. It would be at odds with paragraph 124(b)(a) which requires that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
14. There is a lack of identified land suitable for housing in the district. The Design and Access Statement sets out that the site extends to 1.347 hectares. Paragraph 125 of the Framework is clear that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities; and seeks to ensure that developments make optimal use of the potential of each site. Paragraph 125(c) is clear that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.
15. Whilst it is acknowledged that the retention of boundary trees would be important to the character of the area, this does not impose onerous constraints on development. Although the site is not well located with regard to access to higher level services, this does not justify such a low density or such a profligate use of land. If there was a reason for limiting new development to nine houses, these could be accommodated on much less land, having a much reduced impact on the countryside and the footpath to the north of the site.
16. The Framework at paragraph 174(b) requires developments to protect and enhance the natural, built and historic environment by recognising the intrinsic character and beauty of the countryside. This proposal would detract from the setting of this settlement and the character of the countryside. This would be the case for any scheme which extended across the full extent of this field. However, when considering the planning balance, this proposal for only nine houses offers limited benefits in comparison to the scale of land that would be lost.
17. Despite the number of houses proposed, as the site is more than a hectare in size, it falls within the Framework's definition of major development which for housing development is where 10 or more homes will be provided or the site has an area of 0.5 hectares or more. Paragraph 65 is clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. I am unclear why this matter has not

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been raised as a concern by the council as LP policy H9 seeks 40% affordable housing on sites of 0.5 hectares or of 15 dwellings or more.

18. As the proposal is in outline, the housing mix is not being determined at this stage although the application form suggests that five of the houses would have four or more bedrooms. The illustrative layout demonstrates nine large, detached houses in substantial gardens. It is unrealistic to anticipate that the reserved matters submissions would include houses of sizes, types and tenures that would meet the needs of different groups in the community. The provision of smaller houses would more acutely demonstrate the inefficient use of this land. LP policy H10 relating to housing mix advises that all developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The supporting text explains that small 2 and 3 bed homes must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home. The indicative layout and the application form details clearly conflict with the social objectives of the Framework which seeks sufficient numbers and ranges of homes to meet the needs of present and future generations. It also conflicts with the development plan policy.
19. Overall, the development of this land for housing, although not well linked to higher level services and employment opportunities, would support the vitality of this and surrounding settlements. The protection of trees around the boundaries and the potential for environmental enhancements would support the environmental objectives of the Framework. This however needs to be weighed against the loss of open countryside and the harm to the character and appearance of the area. The proposal would however bring social and economic benefits commensurate with this small number of houses.
20. The density of housing proposed represents an entirely inefficient use of this resource which would be more harmful given the council's housing supply position. The Framework is clear that permission should be refused. Even if I disregard my concerns with regard to affordable housing provision and housing mix, this matter on its own is sufficient to outweigh the benefits that would result from the provision of just nine new houses. I find therefore that when taking the policies of the Framework as a whole, the proposal would be at odds with its overall objectives and would not represent sustainable development.
21. The inefficient use of land would make the achievement of an appropriate supply of housing in the district much harder to achieve. It would compromise the ability of future generations to meet their needs. Furthermore, in order to meet housing need, accepting this density of housing would result in demonstrably greater demand for land which, as reported in the appeal mentioned in paragraph 7 above, would be likely to increase harm to the countryside.
22. The Framework is clear at paragraph 125(c) that local planning authorities should refuse applications which they consider fail to make efficient use of land. This paragraph is equally relevant to this appeal. I conclude that the proposal would result in harm to the countryside and substantial harm to the objectives of the Framework and would be harmful to the achievement of an

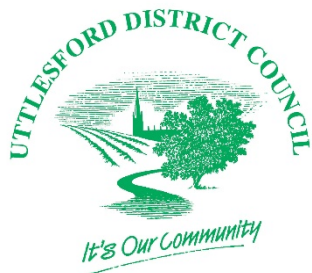
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appropriate level of housing supply. When considered as a whole, the policies of the Framework weigh against the proposal.

23. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Despite the weight that can be afforded to part of the countryside protection policy being very limited, the proposal does conflict with the development plan. When considered as a whole, the Framework also weighs significantly against the proposal and I afford it considerable weight. I am not satisfied that the Framework and other material considerations, including the benefits of providing nine additional homes, when taken together, indicate that a decision contrary to the development plan should be reached.
24. The harm to the social objective of achieving a sufficient number and range of homes would be substantial as would the harm to the environmental objectives given the inefficient use of land which would result in greater harm to the countryside overall. In conclusion, the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits of these nine houses when assessed against the policies of the Framework taken as a whole. The Framework is clear that permission should be refused and there are no matters that suggest an alternative decision should be made. I therefore dismiss the appeal.

**APPENDIX 2- UTT/22/1578/OP (32 dwellings) REFUSAL REASONS**

<p><b>1</b></p>	<p>The proposal introduces a sizeable residential development to an area of open countryside. The development would appear out of character with the site and street scene within Clavering, and therefore and be harmful to the rural character of the area.</p> <p>The development would not be appropriate in the rural area and there are no justifiable reasons as to why the development, in the form proposed, needs to take place there. As such the proposals are contrary to Uttlesford Local Plan Policies S7, GEN2 (adopted 2005) and the NPPF.</p>
<p><b>2</b></p>	<p>The proposals by reason of its inappropriate size and scale would amount to the significant loss to best and most versatile ('BMV') agricultural land contrary to Policy ENV5 of the Uttlesford District Council Adopted Local Plan and Paragraph 174(b) of the National Planning Policy Framework.</p>
<p><b>3</b></p>	<p>The application does not include a mechanism such as a S106 legal agreement to secure:-</p> <ul style="list-style-type: none"> <li>i. 40% Affordable Housing,</li> <li>ii. 25% of Affordable housing being First Homes</li> <li>iii. ECC Education Contribution,</li> <li>iv. Provision and management of Public Open Space,</li> <li>v. Pay the Council's reasonable legal costs,</li> <li>vi. Pay the monitoring fee,</li> </ul> <p>As such the proposal is contrary to Policies H9 and GEN6 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>



**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 13 December 2023

**REFERENCE NUMBER:** S62A/2023/0027 and UTT/23/2682/PINS

**LOCATION:** Land At Warish Hall Farm, North Of Jacks Lane  
Takeley

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council Date: 29<sup>th</sup> October 2023

**PROPOSAL:** Erection of 40no. dwellings, including open space landscaping and associated infrastructure

**APPLICANT:** Mr Jarrod Spencer

**AGENT:** N/A

**DATE CONSULTATION RESPONSE DUE:** Extension of time given to 15<sup>th</sup> December 2023.

**CASE OFFICER:** Rachel Beale

**NOTATION:** Outside Development Limits. Countryside Protection Zone, protected Lane (Warish Hall Road), within 250m of Ancient Woodland (Priors Wood) Grade 1, Grade II \*, Grade II Listed buildings adjacent to site. Within 6km of Stansted Airport. Within 2KM of SSSI. County and Local Wildlife site (Priors Wood). Scheduled Ancient Monument (Warish Hall).

**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 decision-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

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**1. RECOMMENDATION**

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

Details are to be outlined by the Planning Committee.

**2. SITE LOCATION AND DESCRIPTION**

**2.1** The application site relates to a 2.1ha pasture field located on the eastern side of Smiths Green Lane and north of Jacks Lane. The site abuts the northern edge of the settlement of Priors Green, Takeley and

is largely flat and level.

**2.2** A section of Smiths Green Lane, north of Jacks Lane, is a protected lane. The area of land to the north of Jacks Lane is bounded by mature trees and hedges, with the development along Warish Hall Road/Smiths Green Road is linear in nature and has several listed buildings along it. Three public rights of way are in close proximity to the site. One west of the site running parallel to Priors Wood, and two leading off Jacks Lane, one along the eastern boundary of the site and one to the south leading towards Dunmow Road.

**2.3** The site is not located within a conservation area. However, there are heritage assets adjacent to the site that include Grade II listed buildings. To the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory, sited within the Scheduled Monument is the Grade I listed Warish Hall and moat.

### **3. PROPOSAL**

**3.1** Construction of 40 dwellings (Class C3), including open space, landscaping, and associated infrastructure.

**3.2** Access to the site would be from Smiths Green Lane using the existing access point. The design provides a link from the East side of the Jacks site, to connect into an existing PROW, which leads into Little Canfield. This was not previously part of the red line but it is now included. There are also Public Rights of Way on the west of Smiths Green Lane which connect with Parsonage Road to the west.

**3.3** The application site covers 2.1 hectares, with the proposal having a density of approximately 19 dwellings per hectare. The site would feature an area of open space, including a Local Area of Play. This would total 1,900m<sup>2</sup>.

### **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**

#### **Application Site:**

**5.1** UTT/21/1987/FUL - Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 24 dwellings west of and with access from Smiths Green



Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes - Land At Warish Hall Farm Smiths Green, Takeley – Refused – 20/12/2021. Appeal reference: APP/C1570/W/22/3291524 – Appeal Dismissed – 09/08/2022.

**5.2** UTT/22/3126/FUL - Erection of 40 no. dwellings, including open space landscaping and associated infrastructure - Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley – Not yet determined.

**5.3** S62A/2023/0016 (UTT/23/0902/PINS) - Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure – Refused – 09/08/2023.

## **6. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**6.1** 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:

- Leaflet drops to local residents detailing a consultation webpage;
- Online consultation page with information on the proposals and a portal for submitting comments;
- Further leaflet drop following amendments, detailing an updated consultation webpage;
- Updated online consultation page with information on the amendment and a portal for submitting comments; and
- Public Exhibition on the proposals for people to understand the proposals and ask any questions as well as raising any concerns with the design team.

Full details of the applicant’s engagement and consultation exercises conducted is discussed on Page 43 the supporting Planning Statement.

## **7. STATUTORY CONSULTEES**

**7.1** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) with the final date for comments being 1 June 2023.

**7.2** Accordingly, it should be noted that a number of considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

## **8. PARISH COUNCIL COMMENTS**

**8.1** These should be submitted by the Parish Council directly to PINS within the consultation period are thereby not informed within this report.

## **9. CONSULTEE RESPONSES**

**9.1** All consultees' comments should be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 8 December 2023. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report. Notwithstanding this, the following comments have been received:

**9.2** **Place Services Archaeology**  
No objections subject to conditions.

**9.3** **Environmental Health**  
No objections subject to conditions.

**9.4** **Essex Police**  
No objections subject to details.

**9.5** **NHS**  
No objection subject to S106.

## **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 which closes 8 December 2023. All representations should be submitted directly to PINS within the 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 the extended consultation period

## **11. MATERIAL CONSIDERATIONS**

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

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

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

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

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

#### **11.4 The Development Plan**

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

### **12. POLICY**

#### **12.1 National Policies**

National Planning Policy Framework (2021)

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

S7 – The Countryside  
 S8 – The Countryside Protection Zone  
 GEN1 – Access  
 GEN2 – Design  
 GEN3 – Flood Protection  
 GEN4 – Good Neighbourliness  
 GEN5 – Light Pollution  
 GEN6 – Infrastructure Provision  
 GEN7 – Nature Conservation  
 GEN8 – Vehicle Parking Standards  
 ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees  
ENV4 – Ancient monuments and Sites of Archaeological Importance  
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

### **12.3 Supplementary Planning Document or Guidance**

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

## **13. CONSIDERATIONS AND ASSESSMENT**

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

- A) Background**
- B) Principle of Development**
- C) Countryside Impact**
- D) Design & Lighting**
- E) Amenity**
- F) Heritage impacts and Archaeology**
- G) Affordable Housing Mix and Tenure**
- H) Access and Parking**
- I) Nature Conservation & Trees**
- J) Climate Change**
- K) Air Quality & Contamination**
- L) Flooding**
- M) Planning Obligations**
- N) Other matters**
- O) Planning Balance and Conclusion**

### **13.2 A) Background**

**13.2.1** This application follows on from a S62a application under reference S62A/2023/0016 for the erection of 40 no. dwellings, including open space landscaping and associated infrastructure.

**13.2.2** The application was dismissed by the Inspector for the following grounds:

1. It has not been adequately demonstrated that lighting and loss of vegetation, particularly in relation to access works and off-site

proposals to improve the restricted byway Takeley 48/25 would not result in unacceptable harm to the established character and appearance of the surrounding area and to the significance of Smiths Green Lane (Warish Hall Road), a protected lane and non-designated heritage asset. This is contrary to policies S7, ENV9 and GEN2 of the Uttlesford Local Plan and paragraphs 130 c), 185 c) and 203 of the National Planning Policy Framework.

2. It has not been adequately demonstrated that safe and suitable access to and from the site for pedestrians and cyclists could be achieved which meets highway design standards whilst responding to local character and biodiversity considerations, contrary to Uttlesford Local Plan policy GEN1 and paragraphs 92, 110 and 112 of the National Planning Policy Framework.

**13.2.3** As part of the S62a, the following were considered to be the main issues. Beneath each is a summary of the Inspector's conclusions.

**13.2.4** • whether the location of the development is acceptable, having regard to the development strategy in the development plan, and its location in the countryside protection zone;

**13.2.5** The Inspector found there was a sufficient range of services to meet day-to-day needs within a reasonable distance of the site and concluded she was satisfied that the development of the site is commensurate with the position of Takeley in the settlement hierarchy and that the location is broadly compatible with the Key Rural Settlement status of Takeley in the context of Local Plan Policy S3. She concluded the site represents a small proportion of the best and most versatile agricultural land in the district and that its loss would not be significant. Furthermore, she was satisfied that the proposed development would not conflict with part a) of policy S8 in terms of avoiding coalescence between Stansted Airport and existing development in the surrounding countryside.

**13.2.6** • whether the proposed development is accessible for non-motorised users and would be acceptable in terms of highway safety;

**13.2.7** In line with ECC Highways, the Inspector concluded there would not be severe cumulative impacts on the road network.

**13.2.8** Nevertheless, she did conclude there would be an impact in terms of highway safety relating to safe and suitable access for non-motorised users, concluding *"I am not satisfied that a scheme to upgrade the byway could be dealt with post-consent, either through the UU or by Grampian type conditions. Without the link, I am unconvinced that the site could be safely and suitably accessed by non-motorised users"*. This is due to the conflict between the works required to secure a safe access route and the impacts these works would have on the surrounding character, biodiversity and wildlife.

- 13.2.9** • the effects of the proposed development on the character and appearance of the area;
- 13.2.10** In terms of the bulk of the development and the proposed dwellings, the Inspector concluded the design and layout of the proposed development would broadly meet the Framework’s aims for achieving well-designed places as set out in section 12. She was also satisfied that there would be no significant conflict with policy S8 in relation to both the coalescence and openness aspects of the CPZ.
- 13.2.11** Due to a lack of information in terms of works to the access/visibility splays, works to the restricted by-way and proposed lighting requirements, the Inspector was not satisfied that there would not be unacceptable harm to the established character and appearance of the surrounding area and to the significance of Smiths Green Lane (Warish Hall Road), a protected lane and non-designated heritage asset.
- 13.2.12** • the effects of the development on the significance of designated and non-designated heritage assets; and
- 13.2.13** In regard to heritage assets the Inspector concluded *“having regard to the lack of direct interrelationship with Hollow Elm Cottage as a result of its separation by intervening land and a copse of trees, I would agree with the applicant that there would be no harmful effects arising from the proposed development on its wider rural setting, and that the heritage balance exercise in paragraph 202 of the Framework is therefore unnecessary”*.
- 13.2.14** In regard to non-designated heritage assets, namely the protected lane, the Inspector concluded *“Matters of lighting, visibility splays and associated vegetation removal are matters which are capable of being resolved by conditions which require further details. However such details are fundamental to the effects of the development on both the character and appearance of the area and the significance of the lane as a non-designated heritage asset. I am unable to assess the scale of harm and weigh it against the need for the development, and as such there is conflict with Local Plan policy ENV9 relating to historic landscapes as well as paragraph 203 of the Framework”*.
- 13.2.15** The Smiths Green Conservation Area was still in development at the time of this S62a application, and so was not a consideration. As it has not been formally designated, this now forms part of the below assessment of this current S62a application.
- 13.2.16** • effects of noise on the living conditions of future occupiers.
- 13.2.17** The Inspector concluded that she was satisfied that the effects of noise on the future occupiers of the proposed development would be acceptable subject to conditions as recommended by Environmental Health relating

to a noise mitigation scheme for both habitable rooms and external amenity spaces.

### **13.3 B) Principle of development**

- 13.3.1** The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). A new Local Plan was released on the 11<sup>th</sup> November for Regulation 18 Preferred Options consultation. However, at such an early stage in the process, 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.
- 13.3.2** 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.
- 13.3.3** 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.
- 13.3.4** The application site is located outside the development limits of Takeley within open countryside and is therefore located within the Countryside where policy S7 applies.
- 13.3.5** 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.
- 13.3.6** 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.

#### Countryside Protection Zone

- 13.3.7** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies. Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- 13.3.8** a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside.  
b) It would adversely affect the open characteristics of the zone.
- 13.3.9** Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the ‘protection’ afforded to the CPZ in Policy S8 is not the same as the Framework’s ‘recognition’.
- 13.3.10** The application site is currently agricultural land with planting around the boundaries and they therefore contributes to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport.
- 13.3.11** The conclusions of the Inspector in the previous S62a (ref. S62A/2023/0016) are a material consideration. In respect to part a) of Policy S8, the Inspector concluded: *“Given the proximity of the site to existing built development and the large areas of intervening open land between the site and the airport and having regard to the decision on the appeal scheme, I am satisfied that there would not be conflict with part a) of policy S8”*.
- 13.3.12** In respect to part b). the Inspector concluded: *“I do not consider that the open character of the area, and the aims of the policy as set out in supporting text paragraph 2.2.9 of the Local Plan, would be significantly compromised by the proposed development”*.
- 13.3.13** As the proposed development fundamentally remains unchanged, this is considered to remain relevant, and therefore the proposals are not considered to significantly conflict with Policy S8.
- 13.3.14** Loss of Agricultural Land
- 13.3.15** The site is designated as Grade 2 Agricultural Land. 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’.



- 13.3.16** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 13.3.17** 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.
- 13.3.18** In the previous S62a application (ref S62A/2023/0016) the Inspector concluded: *“The applicant’s Planning Statement indicates that the site is Grade 2 and is therefore classified as ‘best and most versatile’ (BMV) land, of which there would be a loss of around 2.3ha. The land is currently laid to grass and given its contained nature and awkward shape it is likely to be less suitable and accessible for large farm machinery. Nonetheless, the site represents a small proportion of the BMV land in the district as a whole and its loss would not be significant”.*
- 13.3.19** Suitability and Location
- 13.3.20** 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.
- 13.3.21** Takeley is identified within the Local Plan settlement hierarchy as being a “Key Rural Settlement.” Located on main transport network as well as there being local employment opportunities.
- 13.3.22** Although outside the ‘development limits’ of Takeley as designated by the Local Plan, the new built form would be constructed towards the northern 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 site’s proximity to local services and facilities and therefore considered to be an accessible and sustainable location.
- 13.3.23** Within the decision of application S62A/2023/0016, the Inspector concluded: *“the scale and location is broadly compatible with the Key Rural Settlement status of Takeley in the settlement hierarchy as defined in policy S3, having particular regard to its proximity to the existing settlement and local services”.*

**13.3.24** Having regard to the previous S62a decision at the site, the details set out in the submitted Landscape and Visual Appraisal, and the location of the application site to nearby services, the proposal is considered likely to be acceptable in principle.

**13.4** **C) Countryside Impact**

**13.4.1** 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.

**13.4.2** 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.

**13.4.3** 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'.

**13.4.4** The application site lies within the character area known as the Broxton Farmland Plateau, which lies between the upper Chelmer and upper Stort River Valleys and stretches from Henham and Ugley Greens eastwards to Molehill Green and the rural fringe to the west of Great Dunmow.

**13.4.5** The area is characterised by gently undulating farmland on glacial till plateau, dissected by River Roding. The assessment describes the key characteristics for the landscape area as being the open nature of the skyline of higher areas of plateau is visually sensitive, with new development potentially visible within expansive views across the plateau. There are also several important wildlife habitats within the area which are sensitive to changes in land management. Overall, this character area has moderate to- high sensitivity to change. The assessment also highlights that any new development should responds to historic settlement pattern, especially scale and density, and that use of materials, and especially colour, is appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.

**13.4.6** The following paragraphs are taken from the Inspector's decision on the previous S62a application (ref S62A/2023/0016):

**13.4.7** *"The site benefits from dense and mature screening to all boundaries including a heavily vegetated copse to the south west. I noted on my site visit that direct views of the site are restricted from most viewpoints, and that only limited glimpses are achievable from a few short-range locations*

*where there are gaps in vegetation. The principal vista of the of the site is via the existing agricultural access onto Smiths Green Lane, and due to the limited width of the gap, the interior of the site can only be seen when directly passing. Whilst the trees and hedgerows were in full leaf on my summer site visit, I note that the LVIA was undertaken in winter and the visuals indicate a greater visibility of the site in short range views, albeit still of a filtered nature. The photographs indicate that wider public views into the site were still limited. Nonetheless, the existing pastoral nature of the site and its vegetated boundaries undoubtedly form a positive feature in the landscape of the area”.*

**13.4.8** *“Residents of many of the nearby dwellings on Jacks Lane directly face the site but are well separated both by the road and vegetation. The dwellings on Smiths Green predominately benefit from large gardens which are well contained by trees and hedgerows, so enjoy good levels of privacy. Without the presence of development on the opposite Bull Field site, I find that the change in their views would be minor adverse rather than the moderate adverse affects noted in the LVIA and this would further reduce as additional boundary landscaping matures”.*

**13.4.9** Given that the proposed scheme remains fundamentally the same in relation to the proposed development on the site, and that the Planning Inspector of the previous S62a application (S62A/2023/0016) considered the impact on this part of the site to be ‘minimal’, no further concerns are raised in relation to the proposal regarding the visual impact and effect on the wider landscape character area, as a result of the built form.

**13.4.10** Notwithstanding, issues arising from the proposed lighting of the byway are discussed further in the following section.

## **13.5 D) Design and Lighting**

### **13.5.1** Design

**13.5.2** 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.

**13.5.3** The layout of the proposal features a ‘rural lane’ with 2 dwellings fronting on to Smiths Green Lane, with a ‘garden village’ and ‘green’ set behind. The proposed density has been designed to reflect the existing patterns of development and designed for each separate character area, providing well defined streets and active frontages.

- 13.5.4** The layout comprises a mix of attached, detached and semi-detached houses and bungalows. All of the proposed houses are provided with generous outdoor amenity space in the form of rear gardens, which have been designed to ensure they are not overlooked by neighbouring dwellings.
- 13.5.5** The general scale of the buildings would be two storey, other than the provision of bungalow dwellings at of 1 & 1 and ½ storeys in height. The proposed dwellings would range from between approximately 5.5m and 10m from finished floor level to roof ridge level. The smaller, bungalow dwellings would be located to the southern edge of the site, closest to the neighbouring residential dwellings located on the southern side of Jacks Lane.
- 13.5.6** The proposed scale of the dwellings would appropriately reflect the context of the area and the surrounding buildings, whilst providing adequate reference to the local built form which comprises a mix of single and two storey dwellings.
- 13.5.7** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. The appearance of the proposed residential units has been informed by the development of the different character areas identified above. The proposed choice of materials will give a good variety of treatments across the site, which would enhance the setting of the development.
- 13.5.8** As the design of the scheme has not changed since the previous S62a application (S62A/2023/0016), the following comments made by the Inspector in their decision are a material consideration: *“It would appropriately include a mix of dwelling types and heights (including bungalows) and represent a relatively low density contemporary development, with a design which would not compete with either the historic core of the village nor the more recent developments. As such, I find the design, scale, form and layout of the dwellings to be acceptable and in general accordance with Local Plan policy GEN2”*.
- 13.5.9** Lighting
- 13.5.10** In the decision for the previous S62a (S62A/2023/0016), the Inspector stated: *“There is a historic absence of lighting in this area of Takeley, and as such there is potential for the appearance of the development to be more noticeable during hours of darkness. Lighting of the application site and the associated byway improvements would be required to meet Highway Authority requirements. However, there is an inherent conflict between the need for lighting for reasons of safety, and its potential effect on area character and appearance. There are also potential effects on biodiversity, including bats, the nearby Stansted Airport, and living conditions.*

- 13.5.11** The Inspector continues: *“The applicant has indicated that no street columns are proposed, and that it would be likely to comprise low level bollard type lighting as requested by ECC Place Services’ Ecological Consultant to reduce effects on bats. Such lighting would also be less harmful to area character. However, the Highway Authority indicated that their specifications may differ from this to meet safety and highway agreement requirements. The parties indicated at the hearing that an acceptable solution would be possible. Nonetheless without any lighting details before me, and the lack of detailed assessment in the LVIA, I am unconvinced that a lighting scheme should be agreed post-consent given that it forms a fundamental part of my considerations of effects on area character.*
- 13.5.12** The Inspector concludes: *“I am unconvinced that wider effects of the development and the associated byway improvements on landscape and visual character and appearance during hours of darkness have been adequately considered by the applicant. This is of particular importance given the historic lack of lighting in the vicinity of Jacks Lane and Smiths Green Lane. I am not persuaded that such matters should be left to a condition, and without an acceptable agreed lighting scheme there would be harm to the character and appearance of the area in conflict with policy GEN2 of the Local Plan”.*
- 13.5.13** At the time of writing this report, the applicant is yet to propose acceptable by-way improvement works and a lighting design scheme that satisfies both ECC Highways and ECC place Services (Ecology). The Officer has attended a number of meetings where proposals have been discussed, and the applicant has submitted a number of revised plans following these discussions. Nevertheless, there remains a conflict between Highways and Place Services who have both requested additional information and revised plans in order that their concerns can be addressed. Therefore, an acceptable scheme is yet to be agreed.
- 13.5.14** Additionally, from the submitted plans, specifically the plan prepared by MMA Lighting Consultancy (dated 22 September 2023) detailing the light spill from the proposed lighting columns, the Officer has similar concerns to the Inspector as to the level of harm this lighting will cause on the character and appearance of the area in the context of the current lack of such lighting. The plans show some significant light spill onto the existing vegetation, particularly to the south of Jacks Lane. Concurrently, the Officer would find it unacceptable for no lighting to be proposed to the by-way due to impacts on user safety given that this is to be relied upon as the only pedestrian connectivity to the main settlement of Takeley.
- 13.5.15** Therefore, at the time of writing, it is considered that the proposals fail to demonstrate that there would be no impact on the established character and appearance of the surrounding area as a result of the proposed lighting, or that the proposal can provide safe and suitable access to and from the site for pedestrians and cyclists.

## **13.6 E Residential Amenity**

### **13.6.1 Neighbouring Amenity**

**13.6.2** 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.

**13.6.3** The proposal would be up to two storeys in scale. The proposed site would be located due north / north-east of closest neighbouring residential development, where the proposed dwellings would be separated from the houses to the south by Jacks Lane. There would also be a substantial distance and soft-landscaped buffer between the site and the closest properties to the south-west and north of the site that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook.

**13.6.4** Given the generous spacings between the proposed units within the development and to that of the closest neighbouring residential developments, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

### **13.6.5 Standard of Accommodation**

**13.6.6** In terms of the amenity of future occupiers, the proposed units would be dual aspect and would provide sufficient levels of outlook, daylight and natural ventilation for the future occupiers. All of the proposed houses and bungalows will have direct access to private amenity space in the form of gardens that comply with the relevant Essex Design Guide standards of 100sqm for 3 bed + houses, and 50sqm for 1 or 2 bed Houses. The apartments would have access to landscaped communal spaces. The proposed dwellings would also meet the minimum internal floor space requirements for each unit.

**13.6.7** In terms of noise, it is noted that the Council's Environmental Health Team have commented on the application, highlighting that the submitted noise assessment does not consider noise impacts from Essex and Herts Shooting School, which is which is located approximately 400m to the north-east of the proposed development.

**13.6.8** However, it is noted that there were no such concerns raised as part of the previous S62a and it is likely that the potential levels of noise to the dwellings and the majority of external areas could be adequately mitigated through the installation or reasonable noise protection measures to ensure compliance with policy GEN2 of the Local Plan.

## **13.7 F) Heritage impacts and Archaeology**

**13.7.1**      Designated Heritage Assets

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

**13.7.3**      The site is not located within a conservation area. However, the development has the potential to adversely impact the setting of several designated and non-designated heritage assets including:

- Hollow Elm Cottage, Grade II listed (list entry number: 111220),
- Cheerups Cottage, Grade II listed (list entry number: 1112207) and
- The Protected Lane, ‘Warrish Hall Road’ (non-designated heritage asset).

**13.7.4**      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’.

**13.7.5**      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.

**13.7.6**      In the decision for the previous S62a application (S62A/2023/0016), the Inspector concluded: *“Having regard to the lack of direct interrelationship with Hollow Elm Cottage as a result of its separation by intervening land and a copse of trees, I would agree with the applicant that there would be no harmful effects arising from the proposed development on its wider rural setting, and that the heritage balance exercise in paragraph 202 of the Framework is therefore unnecessary”*.

**13.7.7**      Non-designated heritage assets

**13.7.8**      In respect of non-designated heritage assets, paragraph 203 of the Framework requires effects on significance to be taken into account, and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset. Smiths Green Lane (also known as Warish Hall Road) is a protected lane and these are referred to in Local Plan policy ENV9 relating to historic landscapes. The policy states that development proposals likely to harm

such landscapes will not be permitted unless the need for the development outweighs the historic significance of the site.

- 13.7.9** Its significance is derived from its historic context in the village of Takeley, its narrow width and wide unlit grassed verges without footways and limited street furniture. It is punctuated in numerous locations to provide access to dwellings which line the lane, and around its junction with Jacks Lane. The part of the lane along which the application site is located has narrower verges which are restricted by dense vegetation. The lane is very lightly trafficked, with a consequent a sense of tranquillity and rural character, notwithstanding the background noise arising from the nearby A120 and Stansted Airport. The contained nature of the application site means that only glimpses of the field are currently appreciable. The site makes a moderate contribution to the significance of the non-designated heritage asset, and this is largely due to its undeveloped and verdant nature.
- 13.7.10** The only part of the proposed development directly affecting the lane would be the single access road into the site, and this is proposed in the same location as the existing agricultural access. Here, there is a relatively small gap in the dense hedgerow boundary along Smiths Green Lane. The proposed access, together with the footway/cycleway link into the site, would be wider than the existing gap and involve a mass of hardstanding uncharacteristic of the lane.
- 13.7.11** In the decision for the previous S62a application (S62A/2023/0016), the Inspector raised concerns that there could be greater erosion of the village green and boundary vegetation than is indicated to allow for the visibility splays, resulting in harm to the significance of the Protected Lane as a non-designated heritage asset.
- 13.7.12** There was no clear plan submitted within the previous S62a that identified the work required to the proposed visibility splays, which lead to the Inspector's uncertainties. However, as part of this application, a plan has been submitted that demonstrates there will be no significant removal of vegetation as part of the proposed vis splays. Additionally, detailed plans have been submitted for proposed access and it is now considered that the protected lane will be protected from harms resulting from works to the proposed access.
- 13.7.13** Smiths Green Conservation Area
- 13.7.14** On the 2<sup>nd</sup> November 2023 the Council formally designated a new Smiths Green Conservation Area. Whilst the site does not sit within this area, or on the immediate boundary, it does sit within the setting and therefore impacts to the significance of the setting of the Conservation Area must now be assessed.
- 13.7.15** Paragraphs 206 and 207 of the NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset



(or which better reveal its significance) should be treated favourably, acknowledging that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of an element which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

- 13.7.16** As part of application UTT/22/3126/FUL, the applicant submitted a Heritage Addendum which takes account of the newly designated Conservation Area. Place Services have been consulted and confirmed the following:
- 13.7.17** *“The proposed development of 40 houses and associated access road and hard and soft landscaping will be in proximity to the northern part of the Conservation Area and will appear in key views from the north into the Conservation Area from the Protected Lane and fields on the eastern side of the lane to the south of Parker’s Farm. The development will be conspicuous in the rural setting of the Conservation Area and have an urbanising effect on the general character of the setting, representing a change in land use, all with permanent effect”.*
- 13.7.18** Place services concluded that the proposal will cause a low level of less than substantial harm to the designated heritage asset in terms of the National Planning Policy Framework (NPPF 2023) making paragraph 202 relevant.
- 13.7.19** Archaeology
- 13.7.20** In terms of archaeology, 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.
- 13.7.21** The application was formally consulted to Place Services Historic Environment, who note that the proposed development lies within an area of known archaeological potential. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by way of conditions, as suggested by the Place Services Historic Environment Consultant.
- 13.7.22** As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area

Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan.

### **13.8 G) Affordable Housing Mix and Tenure**

#### **13.8.1 Affordable Housing**

**13.8.2** 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.

**13.8.3** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 40 properties. This amounts to 16 affordable housing properties.

**13.8.4** The proposed 40% affordable housing should be split with 25% being First Homes, in accordance the government's guidance minimum target. 5% should be Shared Ownership units with 70% being for Affordable Rent. This would represent a substantial contribution to the Council's affordable housing objectives as described above and would help meet the stated need for low-cost Council rented housing in this part of Uttlesford. The current proposal does not include any First Homes.

**13.8.5** The affordable housing units would be located towards the rear of the site. However, given the varied range of dwelling types and the relatively small scale of the development, the proposal would contribute to the creation of a mixed and balanced community in this area and would be acceptable in this regard.

#### **13.8.6 Housing Mix**

**13.8.7** 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)'.

**13.8.8** 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-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%

**13.8.9** The accommodation mix proposed is as follows: 1 bed units at 0%, 2 bed units at 35%, with five of these being 2-bedroom bungalows, 3 bed units at 35%, 4 bed units at 20% & 5 bed units at 10%.

**13.8.10** 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 2 bungalows across the whole site delivered.

**13.8.11** The proposed housing mix would provide a significant proportion of smaller 2 & 3 bedroom market dwellings (40%) and is considered to be appropriate in planning policy and housing strategy terms. As such, it is considered that the proposed provision of affordable housing, and the overall mix and tenure of housing provided within this development, is acceptable and in accordance with policies H9 of the Local Plan.

## **13.9 H) Access and Parking**

### **13.9.1 Access**

**13.9.2** Paragraph 110 (b) of the NPPF states that development should ensure that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 112 (c) states that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'

**13.9.3** 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.

**13.9.4** The main access to the site would be via Smiths Green Lane, where there is an existing access / opening to the site. There would also be a pedestrian link from the site to the PROW located along the eastern boundary to the site, and the proposal now includes the PROW within the red-line, with improvement works proposed.

**13.9.5** The acceptance of the proposed vehicle access point and highway impacts, including the Construction Management Plan will ultimately be assessed by the Highway Authority in respect to matters of highway safety, traffic congestion, intensification, and accessibility. The Highway Authority will directly provide written advice of their findings and conclusions directly to PINS.

## **13.10 I) Nature Conservation & Trees**

**13.10.1** Nature Conservation

**13.10.2** 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.

**13.10.3** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, Priors Wood, which is a Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat, is located approximately 175m west of the site.

**13.10.4** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development. However, as this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

**13.10.5** The Place Services Ecology will directly provide written advice of their findings and conclusions directly to PINS.

**13.10.6** Trees

**13.10.7** The proposed development would result in the loss of 3 individual trees and small sections of hedging. It is noted that 2 of the trees are category B trees. However, these are required to facilitate the development and 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.

**13.10.8** In addition, the use of hedgerows and trees throughout the scheme to garden areas would off-set the loss of the proposed vegetation to be removed. A fully detailed scheme of protective measures for existing vegetation to be retained would be recommended as a condition as part of any approval.

**13.10.9** Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species or unacceptable impacts in terms of trees / hedging of special amenity value, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8.

## **13.11 J) Climate Change**

**13.11.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

**13.11.2** The applicant has submitted a Sustainability Statement which highlights that the proposal has adopted a 'fabric First' approach to maximise the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. The statement also highlights that development would incorporate air source heat pumps as a main source of renewable energy. Full details of the potential reduction in CO2 emissions have not been detailed and could be secured by way of condition.

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

## **13.12 K) Air Quality & Contamination**

**13.12.1** An air quality assessment has been submitted as part of the application and the Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard, subject to the imposition of conditions. These would include 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 including during construction.

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

**13.12.3** The Environmental Health Officer will directly provide written advice of their findings and conclusions directly to PINS. Notwithstanding, based on their response to application UTT/22/3126/FUL which includes the same plans, matters regarding contamination could be adequately dealt with by way of condition, ensuring that further assessment of the nature and extent of contamination should be submitted to and approved in writing by the Local Planning Authority.

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

### **13.13 L) Flooding**

- 13.13.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 13.13.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.
- 13.13.3** New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.
- 13.13.4** The submitted Flood Risk Assessment concludes that the site is at a low risk of flooding and the proposals would not increase flood risk onsite or elsewhere. The proposed SuDS strategy, including the use of permeable surfaces, would effectively manage the surface water runoff associated with the roof, roads and other impermeable areas, by using infiltration methods. Essex County Council who are the lead local flooding authority have reviewed the submitted revised details which accompanied the corresponding full application (UTT/22/3126/FUL) and do not object to the granting of planning permission subject to imposing appropriately worded conditions. Given the similarities between the two proposals, it is considered that issues of flood risk could also be dealt with adequately by way of conditions as part of this application.
- 13.13.5** The proposals, for this reason is therefore considered to comply with policy GEN3 of the adopted Local Plan and the NPPF.

### **13.14 M) Planning Obligations**

- 13.14.1** Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 13.14.2** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may

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

- 13.14.3**
  - i. Affordable housing provision (40%)
  - ii. Payment of education financial contributions; Early Years, Primary and Secondary Schools
  - iii. Financial contribution for Libraries
  - iv. School Transport
  - v. Provision and long-term on-going maintenance of public open space and play area.
  - vi. Highways obligations and associated financial contributions towards sustainable transport measures

## **13.15 N) Other Matters**

**13.15.1** 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.

**13.15.2** 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.

**13.15.3** 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.

**13.15.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 16th March 2023. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

**13.15.5** 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.

## **13.16 O) Planning Balance and Conclusion**

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

- 13.16.2** 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.
- 13.16.3** Benefits of the development:
- 13.16.4** The development would result the delivery of 40 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 minor contribution to maintaining the supply of housing locally.
- 13.16.5** The proposal would provide additional affordable housing at 40%. This would equate to 16 affordable homes.
- 13.16.6** The provision of public open space and a play area would also represent a social benefit of the scheme, along with the inclusion of a pedestrian link provision to Public Rights of Way.
- 13.16.7** The development would also provide economic benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration would also been given in respect to net gains for biodiversity.
- 13.16.8** Adverse impacts:
- 13.16.9** Harm on the character and appearance of the area from proposed lighting to by-way.
- 13.16.10** Currently, the lack of an agreed scheme that satisfies the Council, ECC Highways and ECC Place Services in terms of safe and secure pedestrian access and protection of local biodiversity and wildlife.
- 13.16.11** Low level of less than substantial harm to the significance of the Smiths Green Conservation Area.
- 13.16.12** Neutral:
- 13.16.13** Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- 13.16.14** Landscaping plans indicate an intention to provide landscape features at the site to compensate for the loss of soft landscaping.



## **14. Conclusion**

- 14.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of all of the relevant material considerations to this proposal. Neighbour comments have also not been factored into this assessment.
- 14.2** However, as noted above, given the site history and that some consultee comments have been provided regarding the current full application for the same development at the site, these elements would help to inform the assessment of the proposal.
- 14.3** All other factors relating to the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect to the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, drainage and flooding, local infrastructure provisions and ground conditions.
- 14.4** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

## **DRAFT LIST OF CONDITIONS**

### **COMPLIANCE CONDITIONS**

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

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

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

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

3. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology

Solutions, October 2021), Ecology Briefing Note (Ecology Solutions, May 2023) and Bat Survey Report (Ecology Solutions, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

4. 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.

5. 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. An aviation perspective Glint & Glare assessment may be needed.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

#### **PRIOR TO COMMENCEMENT CONDITIONS**

6. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation targeting reptiles has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.
  - Purpose and conservation objectives for the proposed works.
  - Review of site potential and constraints.
  - Detailed design(s) and/or working method(s) to achieve stated objectives.
  - Extent and location/area of proposed works on appropriate scale maps and plans.
  - Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - Persons responsible for implementing the works.

- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under 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.

7. Prior to commencement, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

8. 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.

**PRIOR TO ABOVE GROUND SLAB CONDITIONS**

9. 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.

**PRIOR TO OCCUPATION CONDITIONS**

10. 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:
  - Description and evaluation of features to be managed.
  - Ecological trends and constraints on site that might influence management.
  - Aims and objectives of management.
  - Appropriate management options for achieving aims and objectives.
  - Prescriptions for management actions.

- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- 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.

11. Prior to occupation of the development, the access as shown in principle on submitted drawing shall be provided to include the following:
  - The provision of a suitable bellmouth access with appropriate radii to accommodate the swept path of vehicles regularly using the site access.
  - Clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green. Such vehicular visibility splays shall be retained free of any obstruction at all times thereafter.
  - Clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green at its junction with the shared use cycleway. Such vehicular visibility splays shall be retained free of any obstruction at all times thereafter.
  
12. Development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. 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.
  
13. Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections.
  
14. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of 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 transport operator.

### **OTHER CONDITIONS**

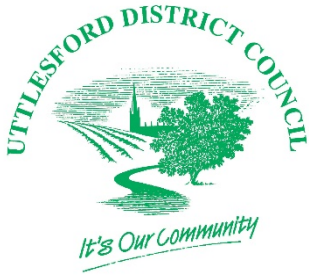
15. (a) The development shall be carried out in accordance with the Written Scheme of Investigation for Archaeological Evaluation by RPS (January 2023) Version 3.
- (b) Following the completion of the works set out in the Written Scheme of Investigation, A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority for approval in writing.
- (c) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- (d) 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.
16. Prior to installation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

17. No landscaping development to take place until a detailed planting plan is submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

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.

# Agenda Item 8



**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 13 December 2023

**REFERENCE NUMBER:** UTT/22/1261/FUL

**LOCATION:** Land to the West of Mill Lane Hatfield Heath

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 22<sup>nd</sup> August 2023

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

**APPLICANT:** Mr W. I Bampton

**AGENT:** Miss Hannah Wallis

**EXPIRY DATE:** 22.08.2022

**EOT EXPIRY DATE:** 17.12.2023

**CASE OFFICER:** Mark Sawyers

**NOTATION:** Outside Development Limits  
Metropolitan Green Belt  
Locally Listed Buildings

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

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## **1. EXECUTIVE SUMMARY**

- 1.1** This application was submitted on the 23.05.2022 for the following proposal: *“The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 5 no. single storey dwellings and 5 no. terraced cottages.”*
- 1.2** During the determination period of this application, it was deemed that elements of the application infringed upon the openness of the Metropolitan Green Belt and that the principle of development was unacceptable, as well as concerns being raised with regards to the impact on the Local Highway.
- 1.3** Subsequently, the application was amended and subject to a fresh round of re-consultation for 21 days. As such, this is the subject application that will be treated for this planning committee.



- 1.4 The revised scheme is described as *“The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.”*
- 1.5 This application has previously been presented to the Planning Committee in October 2023, the application was deferred in order that the report refers to the 2018 appeal decision on the site.

## 2. **RECOMMENDATION**

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

- A) Completion of a Section 106 Agreement in accordance with the Heads of Terms as set out; and
- B) Conditions

And

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

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

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

## 4. **PROPOSAL**

- 4.1 This full application proposal relates to the demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to

form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings.

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

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

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

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

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

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

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

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

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

## 8.2 Local Flood Authority - No Objection subject to conditions

- 8.2.1
- The Lead Local Flood Authorities (SuDS) consultee response can be found in Appendix 2 of this report.

## 9. PARISH COUNCIL COMMENTS

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

### Additional objections as of the 6<sup>th</sup> October 2023

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

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

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

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

### **10.2 UDC Environmental Health**

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

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

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

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

### **10.4 Place Services (Ecology)**

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

### **10.5 Place Services (Archaeology)**

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

### **10.6 Thames Water**

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

## **11. REPRESENTATIONS**

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

### **11.2 Support**

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

### **11.3 Object**

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

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

**11.4 Neutral**

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

**11.5 Comment**

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

**12. MATERIAL CONSIDERATIONS**

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

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

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

**12.3 The Development Plan**

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

Stebbing Neighbourhood Plan (made July 2022)  
 Saffron Walden Neighbourhood Plan (made October 2022)  
 Ashdon Neighbourhood Plan (made December 2022)  
 Great & Little Chesterford Neighbourhood Plan (made February 2023)

**13. POLICY**

**13.1 National Policies**

**13.1.1** National Planning Policy Framework (2023)

**13.2 Uttlesford District Local Plan 2005**

<b>13.2.1</b>	S6	Metropolitan Green Belt
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN6	Infrastructure Provision
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H9	Affordable Housing
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV7	Protection of the Natural Environment
	ENV8	Other Landscape Elements of Importance
	ENV10	Noise Sensitive Development
	ENV12	Groundwater Protection
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

**13.3 State name of relevant Neighbourhood Plan in this title**

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

**13.4 Supplementary Planning Document or Guidance**

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Design, Layout, Scale and Appearance**
  - C) Heritage**
  - D) Impact on Neighbours and Amenity**
  - E) Highways Authority and Parking Standards**
  - F) Flood Protection**
  - G) Environmental Health**
  - H) Ecology**
  - I) Accessibility**
  - J) Landscaping**
  - K) Planning Balance**

**14.3 A) Principle of Development**

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

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

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

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

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

**14.3.5** The National Planning Policy Framework is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most



important for determining the application are out-of-date, granting permission unless:

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

*For plan-making this means that:*

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

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

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

*For decision-taking this means:*

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

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

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

**14.3.6** Paragraph 49 of the National Planning Policy Framework confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

**14.3.7** Paragraph 137 of the National Planning Policy Framework states that: *“The Government attaches great importance to Green Belts. The*

*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

- 14.3.8** Paragraph 138 states that: *“the five purposes of the Green Belt are:*  
*a) to check the unrestricted sprawl of large built-up areas;*  
*b) to prevent neighbouring towns merging into one another;*  
*c) to assist in safeguarding the countryside from encroachment;*  
*d) to preserve the setting and special character of historic towns;*  
*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 14.3.9** Paragraph 148 states that: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 14.3.10** Paragraph 149 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*  
*a) buildings for agriculture and forestry;*  
*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*  
*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*  
*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*  
*e) limited infilling in villages;*  
*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*  
*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*  
  
*– not have a greater impact on the openness of the Green Belt than the existing development; or*  
*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

- 14.3.11** Sustainable Development:

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

**14.3.12** The Countryside:

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

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

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

**14.3.14**

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

**14.3.15** The previous proposal for the site under application UTT/17/2499/FUL, was appeal against for non-determination.

**14.3.16** It was subsequently dismissed at appeal. The Planning Inspector concluded that: *“The proposed development would not harm highway safety. However, it would harm the Green Belt, heritage and the character and appearance of the area contrary to the development plan and national policy.”*

**14.3.17** It must be noted that under this application the Planning Inspector was considering the site as a whole and the proposal was for the redevelopment of the entire site consisting of 26 no. residential dwellings.

**14.3.18** The proposal now before the Planning Committee is materially different and concerns the redevelopment of the site to enable restore 10 of the

POW huts to holiday lets, the conversion of the water tower into a residential dwelling along with 3 no. additional new villa style dwellings. The remainder of the site will remain as Green Belt.

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

**14.3.20 Economic objective:**

The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

**14.3.21 Social objective:**

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

**14.3.22 Environmental objective:**

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

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

**14.3.24 Economic objective:**

The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

**14.3.25 Social objective:**

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

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

noted that there are a number of bus stops located within the vicinity of the site. These stops are:

**14.3.27** 2 no. Bus stops (Hatfield Heath, The Thatchers) approximately 645m away by road.

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

**14.3.28** 2 no. Bus stops (Hatfield Heath, Mill Lane) approximately 965m away by road.

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

**14.3.29** 3 no. Bus stops (Hatfield Heath, The White Horse) approximately 1100m away by road.

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

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

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

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

**14.3.31** Environmental objective:

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

**14.4 B) Design, Layout, Scale and Appearance**

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

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

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

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

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

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

**14.4.7**

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

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

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

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

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

- 14.4.12 Each plot would have sufficient parking provision for the dwellings. There is also sufficient visitor parking provided across the development.
- 14.4.13 Referring to the vehicle tracking diagram, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.
- 14.4.14 As there a mixture of styles in the locality, the agent seeks to provide modern housing in the form of a villa style of housing that takes its form from the original officers buildings within the POW camp.
- 14.4.15 The range of materials presented is considered to be acceptable and appropriate for the site's countryside setting.
- 14.4.16 Minimal trees are proposed to be removed under this application in order to safeguard the environmental features of the site.
- 14.4.17 The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of Uttlesford Local Plan Policy GEN2.

**14.5 C) Heritage**

- 14.5.1 The site itself is set to the southern part of a former prisoner of war camp, to the north of the site lies the northern side of the camp.
- 14.5.2 The Prisoner of War Camp is listed with the Uttlesford Local Heritage List (April 2021)
- 14.5.3 It's listing is as follows:  
"POW Camp 116
- 14.5.4 *Former Italian/German POW camp conforming to the so-called 'Standard' layout, with a guards' compound consisting of Ministry of War Production (MoWP) huts and all timber Laing type huts for the prisoners. Huts constructed in a variety of materials, ranging from timber or concrete framing with hollow clay block, brick, concrete block and timber weatherboarding. The site housed units with a variety of uses, including dormitories, ablution and lavatory blocks, canteens, kitchen and hospital. There is also a prominent water tower, surviving in good condition. It is a key landmark within the site, and is little altered. Despite the level of dilapidation, some original features to survive, including fixtures and fittings including doors, shower cubicles and graffiti, understood to have been the work of the Italian prisoners.*

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

*Value: Individual/group"*

- 14.5.5** The application site also lies in a potentially sensitive area of archaeological deposits.
- 14.5.6** In terms of impacts upon the non-designated heritage assets, the Historic Environment Team Place Services Essex County Council commented on the application most recently in September 2023, after revisions to the proposal making the following observations:
- 14.5.7** *“The site comprises the southern half of a former Prisoner of War (POW) camp to the north of Hatfield Heath. This is the former guards’ compound with the prisoners’ compound located to the north and in separate use. The POW camp, including the surviving structures and layout, is considered to be a non-designated heritage asset under the provisions of the NPPF. It is included on the Council’s Local Heritage List (reference no. 418).”*
- 14.5.8** *“I understand that concerns about the lack of clear and convincing justification for the use of timber weatherboarding to the existing clay block buildings have been overcome and a suitable condition has been suggested.”*
- 14.5.9** *“My attention has been drawn to the existing plan and elevation drawing for the Water Tower which was requested in order to assess the heritage impact of the proposals for conversion of this building. The only existing window openings in the building are three sets of three windows to the east and west elevations. Although conversion of the water tower is supported, as suggested to be likely in the letter dated 7th September 2022 from Maria Kitts, the extent of glazing to the north elevation including the glazed balcony, as well as the proposed glass balustrade at roof level on all elevations (presumably to allow roof access) is considered to be excessive and could be reduced to the benefit of the significance of the non-designated heritage asset.”*
- 14.5.10** *“As before, although the conversion and reuse of the huts and water tower are supported in principle, due to the proposed demolitions and changes to the site layout, the scheme will inevitably result in harm to the significance of the non-designated heritage asset, making Paragraph 203 of the National Planning Policy Framework (NPPF, 2021) relevant.”*
- 14.5.11** *“If the application is to be approved, in addition to the programme of building recording recommended by the Archaeologist, as per our letter of 8th August 2022, I would request the following conditions are applied:*
- *No conversions, alterations or construction shall be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be*



*implemented in accordance with the approved details and shall be permanently maintained as such.*

- *No conversion, alterations or construction shall be commenced until samples of the materials to be used on the external finishes (including doors and windows) have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.*
- *No conversion or alterations shall take place until the submission of a condition report and conservation treatment proposal for the wall painting in the canteen building by a suitably qualified and experienced specialist conservator have been submitted for approval by the local planning authority.*
- *Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.”*

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

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

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

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

**14.5.15** Therefore, and on balance, the proposed development would comply with the provisions of ULP Policy ENV4 and the NPPF.

## **14.6 D) Impact on Neighbours and Amenity**

**14.6.1** Uttlesford Local Plan Policy GEN2 seeks to ensure that development does not have a materially adverse effect on the reasonable occupation

and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

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

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

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

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

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

## **14.7 E) Highways Authority and Parking Standards**

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

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

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

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

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

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

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

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

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

## **14.8 F) Flood Protection**

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

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

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

## **14.9 G) Environmental Health**

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

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

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

#### **14.10 H) Ecology**

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

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

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

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

These include:

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

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

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

#### **14.11 I) Accessibility**

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

**14.12 J) Landscaping**

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

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

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

**14.13 K) Planning Balance**

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

**14.13.2** Paragraph 11 (d) of the NPPF advises:

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

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

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

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

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

**14.13.4** Positives:

- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
- Holiday lets will create a small number of jobs within the district.
- The site is currently closed off to the public, this proposal would enable the site to be reopened to the public.
- The addition of 4 no. new dwelling in this location it would contribute to the Local Planning Authority land supply.
- The development site is considered to meet the criteria of paragraph 149 (g) of the NPPF in that it is considered to be entail the redevelopment of previously developed land, whether redundant or in continuing use.
- The development would provide an offsite contribution towards Affordable Housing within the locality.

**14.13.5** Negatives:

- Impact on the openness of the Green Belt.
- Harm towards the existing POW camp.
- Detrimental impact and harm to the rural character of the site.
- Urbanising and domesticating the site unduly.

**14.13.6** Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will outweigh the negatives of the development as a whole and as such the Tilted Balance is engaged in this respect.

**14.13.7** The principle of development is therefore considered to be acceptable and would be in accordance with Uttlesford Local Polices Uttlesford Local Plan Policies S6, H1 and the National Planning Policy Framework (2023)

**15.** **ADDITIONAL DUTIES**

**15.1** **Public Sector Equalities Duties**

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

**15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment,

victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

## **15.2 Human Rights**

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

## **16. CONCLUSION**

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

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

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

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

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

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

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

**16.8** No objections have been raised by Environmental Health.

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

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

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

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

**17. S106 / CONDITIONS**

**17.1 S106 Obligation Agreement – Heads of Terms**

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

**17.3** Conditions

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

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

**2** Accordance with Approved Plans

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

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

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

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



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

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

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

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

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

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

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

- 5** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a) vehicle routing,

- b) the parking of vehicles of site operatives and visitors,
- c) loading and unloading of plant and materials,
- d) storage of plant and materials used in constructing the development,
- e) wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 14** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 13.

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

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

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

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

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

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

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead;  
or

- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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

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

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

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

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

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

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

cycle movements, to be considered and approved in consultation with the highway authority.

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

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

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

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

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

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

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

- Matching discharge rates to existing greenfield rates for the 1 in 1 year, 1 in 30 year and the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation

**REASON:**

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

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

- 23** Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road junction is first used by vehicular traffic and retained free of any obstruction at all times.

**REASON:** To provide adequate inter-visibility between vehicles using the access road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

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

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

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

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

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

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

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

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the



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

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

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

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

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

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

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

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

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

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

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

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to include retained and new woodland and trees as well as installed enhancement features.

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

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

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

**32**

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

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

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

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

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

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

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

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

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

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

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

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

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

All hard landscaping shall be carried out prior occupation.

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

and species, unless the local planning authority gives written consent to any variation.

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

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

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

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

## APPENDIX 1 – ECC HIGHWAYS COMMENTS

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



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Cllr Susan Barker

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
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### Recommendation of Refusal

Application No. UTT/22/1261/FUL

Applicant Mr W. I Bampton

Site Location Land To The West Of Mill Lane Hatfield Heath

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

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

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

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

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

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

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

*F. Masnie*

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

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



CC: Cllr Susan Barker

Paul Crick  
Director for Highways and Transportation

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Assistant Director Planning & Building Control  
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SAFFRON WALDEN  
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County Hall  
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Essex CM1 1QH

### Recommendation of Refusal

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

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

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

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

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

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

UTT/17/2499 proposed trip rates

**Table 6.1: Trip rates – Houses Privately Owned**

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

Source: TRICS

UTT/22/1261/FUL proposed trip rates

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

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

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

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

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

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



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

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

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

*F Masnie*

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

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



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

Paul Crick  
Director of Highways and Transportation

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Assistant Director Planning & Building Control  
Council Offices  
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CM1 1QH

### Recommendation

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

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

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

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

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

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

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

highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road junction is first used by vehicular traffic and retained free of any obstruction at all times

**Reason:** To provide adequate inter-visibility between vehicles using the access road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies, as adopted as County Council Supplementary Guidance in February 2011.

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

**Informatives:**

- (i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- (iii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.
- (iv) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the

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

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



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

## APPENDIX 2 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

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



Uttlesford District Council  
Planning Services

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

Dear Sir/Madam,

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

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

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

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

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

#### **Lead Local Flood Authority position**

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

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

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

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

### **Summary of Flood Risk Responsibilities for your Council**

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

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

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

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

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

Yours sincerely,

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

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

#### **Appendix 1 - Flood Risk responsibilities for your Council**

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

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

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

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

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

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

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



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

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

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

- Sustainability of the development

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

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



Nathan Makwana  
Uttlesford District Council  
Planning Services

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

Dear Sir,

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

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

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

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

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

**Lead Local Flood Authority position**

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

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

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

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

### **Summary of Flood Risk Responsibilities for your Council**

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

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

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

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

### **INFORMATIVES:**

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

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

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

Yours faithfully,

**Richard Atkins**  
**Development and Flood Risk Officer**

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

### **Appendix 1 - Flood Risk responsibilities for your Council**

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

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

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

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

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

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

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

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

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

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

- Sustainability of the development

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

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



Nathan Makwana  
Uttlesford District Council  
Planning Services

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

Dear Sir,

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

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

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

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

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

**Lead Local Flood Authority position**

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

**Condition 1**

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

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

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

The scheme shall subsequently be implemented prior to occupation

**Reason**

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

**Condition 2**

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

**Reason**

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

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

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

### **Condition 3**

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

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

### **Reason**

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

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

### **Condition 4**

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

### **Reason**

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

We also have the following advisory comments:

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



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

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

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

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

### **Summary of Flood Risk Responsibilities for your Council**

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

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

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

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

### **INFORMATIVES:**

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

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

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

Yours faithfully,

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

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

#### **Appendix 1 - Flood Risk responsibilities for your Council**

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

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

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

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

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

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

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

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

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

- Sustainability of the development

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



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



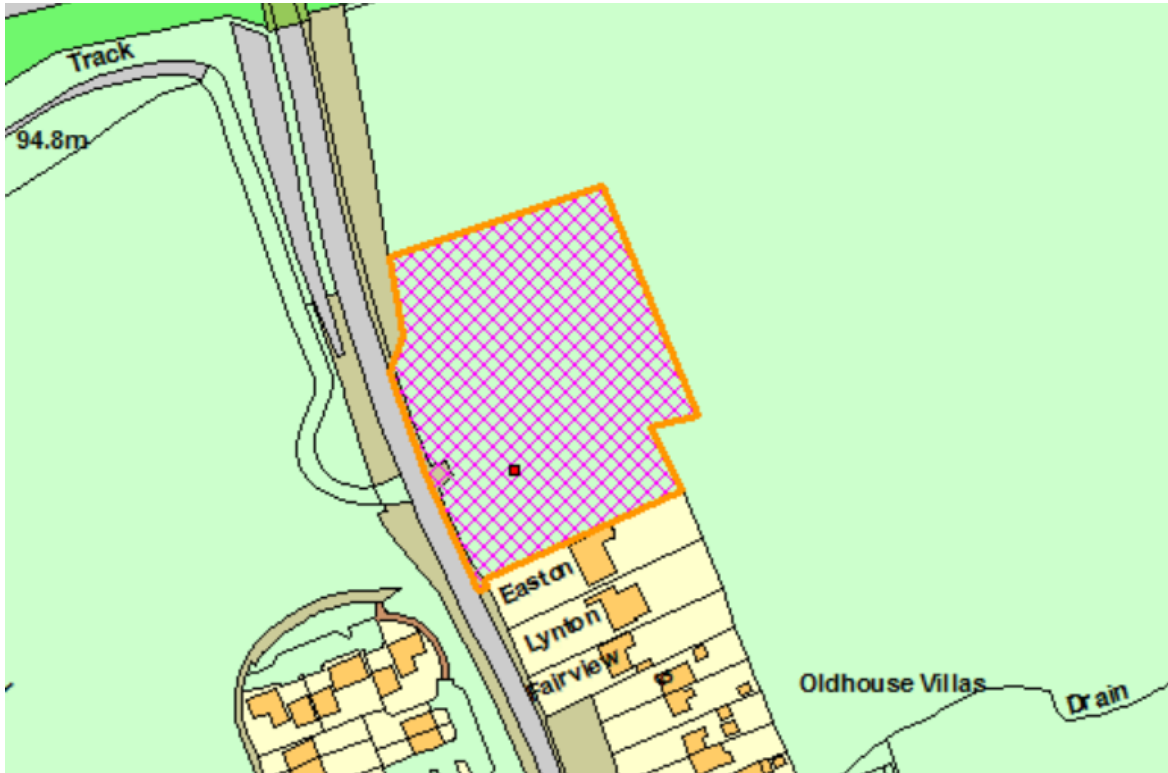
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 13 December 2023

**REFERENCE NUMBER:** UTT/23/0062/DFO

**LOCATION:** Land East of Parsonage Road, Takeley

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 30 November 2023

**PROPOSAL:** Details following outline application UTT/19/0394/OP for a 66-bed care home - details of appearance, landscaping, layout and scale.

**APPLICANT:** Portland Care Ltd and Endurance Estates Land Promotion Ltd

**AGENT:** Mr Danny Simmonds (RPS Planning & Development)

**EXPIRY DATE:** 13 April 2023

**EOT EXPIRY DATE:** 15 December 2023

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits.

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

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**1. EXECUTIVE SUMMARY**

- 1.1** This application seeks approval of details following the granting of outline planning under reference UTT/19/0394/OP (allowed at appeal Ref: APP/C1570/W/20/3242024) whereby permission was granted for:
- 1.2** *Outline application with all matters reserved except access, for development of a care home (use class C2) with up to 66 bed spaces, including vehicular and pedestrian access, parking, infrastructure, landscaping, and associated works.*
- 1.3** The principle of the development along with the details of Access have been approved at outline stage by an Inspector under appeal, leaving the details for consideration as part of this reserve matters application being Appearance, Layout, Scale and Landscaping.
- 1.4** The proposals comply with the indicative illustrative masterplan that formed part of the outline consent in respect to layout, number of bedrooms and scale. The design and appearance of the buildings generally conforms with the required standards, ensuring a good quality design that responds to the character of the natural and built environments of the surrounding locality. The proposals include

appropriate parking and amenity provision to meet staff and visitors of the care home.

- 1.5** The proposals comply with the guidance and standards as set out within the Uttlesford District Local Plan 2005 (as Adopted), relevant Supplementary Planning Documents and the National Planning Policy Framework. It has thereby been recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/19/0394/OP.

**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 as indicated on the site location plan ref: P17\_2649\_11 REV C submitted in support of this application is located on the eastern side of Parsonage Road on the northern edge of the village of Takeley.
- 3.2** The topography of the site is generally level, and it comprises of approximately 0.72 hectares. The site is currently free of any established built form and currently consists of agricultural (arable) land. The site is free of any vegetation apart from mature native trees and a hedgerow that spans the western boundary fronting onto Parsonage Road.
- 3.3** Immediately to the south of the site are a row of residential properties, of which further south is the Weston Stansted business development. Approximately 60m to the north of the application site is the A120 dual carriageway. To the east and west of the site, permission has recently been granted for further residential development. Further details of these development are provided in Section 6 of this report.
- 3.4** In terms of local designations, the site is not subject to any statutory landscape or ecological designations. The Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. The site is not located or abutting a conservation area, nor are there any other heritage assets in close proximity to the site. Priors Wood, which is an Ancient Woodland and Country wildlife Park is located approximately 160m east of the site. A public footpath (PROW 48\_21) running in an east-west direction extends along the southern side of the A120 to the north of the application site.



#### **4. PROPOSAL**

- 4.1** This application relates to the reserved matters following a decision made by an Inspector on 31<sup>st</sup> January 2020 to allow outline planning permission which was for the erection of a care home (use class C2) consisting of up to 66 bed spaces including vehicular and pedestrian access, parking, infrastructure, landscaping, and associated works under application ref: UTT/19/0394/OP.
- 4.2** Access to the development was approved as part of the outline application which established access to the site. There is one main access point, in the form of a priority T junction that extends from the four-arm roundabout from Parsonage Road.
- 4.3** The reserve matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of care home.
- 4.4** The building will be three storeys in height. The proposed building would provide frontage onto Parsonage Road and has been shown with a set-back from the public realm.
- 4.5** The number of proposed bed spaces amounts to 66 (40 x single beds, 26 x double beds) allowing for up to 92 residents. The care home will incorporate supporting uses, including a cinema, a beauty room, café, drawing room, activities room and laundry.
- 4.6** Approximately 0.331 of a hectare of amenity space has been provided along with the provision of 31 no. parking spaces, including 2 no. disabled spaces and 2 no. motorbike/moped spaces.
- 4.7** The new care home is designed to provide for nursing and residential care for a range of different needs, but predominantly continuing care for frail, older people, and those with age related dementia.
- 4.8** The care home will have approximately 46 full time staff and 20 part time. Team members will be on duty 24 hours a day to provide care and support. Together with receptionist service during normal business hours, being 9am to 6pm.
- 4.9** A full management team comprising of the General Manager supported by Heads of Department will be present during office hours from Monday to Friday. At weekend there will be representatives from Management team on duty and 24 hour on-call assistance.
- 4.10** Once fully occupied, typical team numbers for the home during the day will be 28 care team, a further 10 ancillary team and 8 Heads of Department.

#### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

**5.1** The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest industrial-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 reserve matters application.

## **6. RELEVANT SITE HISTORY**

### Application site:

**6.1** UTT/19/0394/OP - Outline application with all matters reserved except access, for development of a care home (use class C2) with up to 66 bed spaces, including vehicular and pedestrian access, parking, infrastructure, landscaping, and associated works.

**6.2** The above application was refused 29<sup>th</sup> July 2019 for two reasons of refusal as per below.

1. The application site is located within the Countryside Protection Zone where Policy S8 seeks to protect the openness of the area and to prevent coalescence. The release of this site for development would be detrimental to those aims. The urban form of development and the proposed scale of the development would result in adverse harm to the openness of the Countryside Protection Zone and would help to promote coalescence with the airport. The environmental harm arising from the proposals would significantly and demonstrably outweigh the benefits of the proposals. Therefore the proposals are contrary to Uttlesford Local Plan Policy S8 and do not represent sustainable development and is contrary to the principle of sustainable development as set out in the NPPF.
2. The application has no mechanism to secure the infrastructure requirements in respect of health care facilities. As such the proposal is contrary to Uttlesford Local Plan Policy GEN6.

**6.3** The application was subsequently appealed (APP/C1570/W/19/3234532) by the applicant where the Inspector concluded to allow the appeal on 31<sup>st</sup> January 2020. The Inspector concluded that taking all considerations into account, the benefits of the appeal development are very weighty, the adverse impacts limited. Together, they indicate that the adverse impacts of granting permission in this case would not significantly and demonstrably outweigh the benefits and thus permission was granted.

**6.4** The January 2020 permission has been the subject of a non-material amendment (NMA), approved by the District Council on 7 March 2022 (ref: UTT/22/0119/NMA). The NMA was for a variation to the location of a four arm roundabout to the south of the application site.

**6.5** Surrounding sites:

**6.6** Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure on the site known as Land East of Parsonage Road, Takeley ref: UTT/21/2488/OP. This site immediately abuts the application site to the east and will share the access of Parsonage Road with the proposals.

**6.7** A reserve matters application is anticipated to come forward to the Council in the near future. Figure 1 below provides the indicative layout of the approved outline scheme in reference to the above application.



**6.8** To the west lies a concurrent residential development outline application reference: UTT/19/0393/OP. This application proposes residential development of up to 120 dwellings. The application dated 8 February 2019, was refused by notice dated 29 July 2019. Subsequently an appeal was made against the refusal to grant outline planning permission ref: APP/C1570/W/19/3234530 and was approved within the decision dated 31 January 2020.

- 6.9 Thereafter details following outline application UTT/19/0393/OP (approved under appeal reference APP/C1570/W/19/3234530), details of appearance, landscaping, layout and scale for the erection of 110 no. dwellings with associated open space, landscaping and other drainage and highway infrastructure was submitted and approved by the Council on 4<sup>th</sup> May 2022 under application ref: UTT/22/0152/DFO. Figure 2 below provides details of the site layout in reference to this application.



Figure 2: Approved site layout of application ref: UTT/22/0152/DFO

## 7. **PRE-APPLICATION ADVICE**

- 7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.
- 7.2 No pre-application discussion has taken place between the Applicant and officers of Uttlesford District Council prior to the submission of this application.

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

### 8.1 **National Highways – No Objection**

- 8.1.1 Confirmed that they have reviewed the supporting documentation and noted the vicinity of the site in relation to the A120 which forms part of the strategic road network and stipulated that they offer no objections.

### 8.2 **ECC Highway Authority – No Objection**

**8.2.1** The Highway Authority confirmed that from a highway and transportation perspective the impact of the proposals is acceptable subject to the imposition of a condition requiring that the car parking court shall be fully constructed prior to the occupation of the care home and thereafter only used for this purpose only.

## **9. PARISH COUNCIL COMMENTS**

**9.1** In their original comments dated 15<sup>th</sup> February 2023, Takeley Parish Council Objects to the application for the following reasons:

- The building is too high and will harm the rural edge of Takeley and views from the surrounding countryside and footpaths. A 3-storey building is inconsistent with the 2- and 2.5-storey parameter plan of the neighbouring 88 home development and existing domestic properties in the vicinity.
- The scale of the building will appear urban and over-bearing in its setting and against the approved 88-home development which will surround the care home.
- External materials to include red brick is in-keeping with the surrounding area, however, combined with a red roof, the colour palette gives an unattractive and urban appearance to the building.
- There is Inadequate parking provision for staff and visitors.
- Lack of amenity space is a significant concern.

**9.2** Revisions have been submitted by the Applicant (17<sup>th</sup> August) following the consultation period to amend and address some of the concerns raised by the Parish Council. The Parish Council acknowledges in their second response dated 18<sup>th</sup> September that the design changes to the external appearance of the building, the removal of the basement and external layout changes have been made to the scheme. The Parish confirmed that they now had no objections regarding the design.

**9.3** However, the Parish advised that they still had significant concerns regarding the lack of visitor and staff car parking and insufficient capacity for disabled car parking.

**9.4** Further revisions to address the parking layout were subsequently submitted to the Council to address the concerns raised by the Parish Council whereby the amount of parking was increased from 26 off street spaces to 31 spaces.

**9.5** The application was subsequently reconsulted to Parish Council, however, as the time of preparing this report, no further comments have been received from the Parish.

## **10. CONSULTEE RESPONSES**

**10.1** **UDC Environmental Health – No Objection**

**10.1.1** The Environmental Health Team confirmed that they had no objections subject to the suggested conditions in relation to noise and construction if the Council are mindful of granting permission.

**10.2 Place Services (Ecology) – No Objection**

**10.2.1** Confirmed that they have review all supporting documentation and that they have no objection. A condition in relation to ecology was secured under the outline planning permission UTT/19/0394/OP including an ecological mitigation and enhancement scheme including details of all external lighting.

**10.3 Essex Police Designing Out Crime - Comments**

**10.3.1** We note that there does not appear to be any boundary treatments therefore there are ground floor rooms with external doors opening into publicly accessible space creating a risk of crime. Document Q Security states "Reasonable provision must be made to resist unauthorised access to (a) any dwelling; and (b) any part of a building from which access can be gained to a flat within the building". To further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

**10.4 NATS Safeguarding – No Objection**

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

**10.5 Stansted Airport Safeguarding Authority – No Objection**

**10.5.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to imposing suggested conditions if the Council are mindful of granting permission.

**10.6 Thames Water – No Objection**

**10.6.1** Thames Water have no comment to make regards to reserved matters relating to appearance, landscaping, layout, and scale.

**11. REPRESENTATIONS**

**11.1** The application was notified to all adjoining and adjacent landowners/occupiers and a site notice placed on site. Several representations were received objecting to the proposals as summarised as per below:

- 11.2**
- The location of the care home is in the wrong place on a greenfield site.
  - It would further erode/reduce the countryside buffer.
  - Insufficient parking for staff and visitors.
  - Overspill parking will be in local roads to the detriment of local residents and result in congestion and harm to highway safety.
  - The design of the building has no architectural merit lacking articulation and poor use of external finishing materials.
  - The overall height of the property, three
  - stories plus roof lines, to a height of 12 meters, 40 feet, is totally unacceptable.
  - At this height and with the building located close to the road it will overpower the
  - homes and properties adjoining the site in a completely unacceptable way.

**11.3 Comment**

**11.3.1** The above concerns have been addressed in detail in the main assessment of this report.

**12. MATERIAL CONSIDERATIONS**

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

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

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

**12.3 The Development Plan**

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made February 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)

Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)  
Great & Little Chesterford Neighbourhood Plan (made February 2023)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

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

**13.2.1** Below is a list of the most relevant Development Management Policies in relation to this proposal:

S7 – Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV3 – Open Spaces and Trees  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV13 – Exposure to Poor Air Quality  
ENV14 – Contaminated Land  
ENV15 – Renewable Energy  
LC3 – Community Facilities

### **13.3 Supplementary Planning Document or Guidance**

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

## **14. CONSIDERATIONS AND ASSESSMENT**

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



- 14.2 A) Whether the layout, scale and appearance of the proposal is acceptable.  
B) Access to the site and highway issues  
C) Landscaping  
D) Whether the proposal would cause harm to the amenities of adjoining property occupiers  
E) Other Issues

- 14.3 A) Whether the layout, scale and appearance of the proposal is acceptable.

14.3.1 The scope of outline permissions and reserved matters approval is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the DMPO”). It limits reserved matters approval to issues of: access; appearance; landscaping; layout; and scale. Relevant to this application, it provides the following definitions:

- **‘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’** means the height, width and length of each building proposed within the development in relation to its surroundings.
- **‘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 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;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

14.3.2 The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission.

14.3.3 Where outline planning permission has been granted such as in this case, reserving care should be taken in assessing the interrelationship between (a) such details granted and (b) whether the details submitted for reserved matters’ approval constitutes a material departure from the former within the context of the nature of the development (its site and surroundings), as part of the planning judgement of the decision maker.

- 14.3.4** Referring the proposals, such a judgment might be informed by a comparison between the ratio of the footprint, scale, and size of the new care home. But it would not necessarily be determined by it. It might also need to be considered the significance to be attached to the various dimensions, orientation, and text marked on the [outline] Site Plan in the context of the nature of the development, the site to which the outline planning permission related and its surroundings.
- 14.3.5** Condition 4 imposed on the outline decision notice requires that the reserve matters are constructed in accordance with the Care Home Site Layout (drawing number P17-2649\_09 Rev G).
- 14.3.6** This section of the report assesses matters of layout, scale, and appearance, whilst matters of landscaping is address further below in this report.
- 14.3.7** Layout:
- 14.3.8** A layout shows how routes and blocks of development are arranged and relate to one another to create streets, open spaces, and buildings. It defines the structure or settlement pattern; the grain - the pattern of development blocks and plots; and the broad distribution of different uses, and their densities.
- 14.3.9** Figure 3 below shows the indicative site layout plan drawing number P17-2649\_09 Rev G that was approved by the Inspector.



**Figure 3: Indicative layout approved as part of outline application UTT/19/0394/OP.**

- 14.3.10** The Inspector confirmed that they were content that the siting of the proposed development in that it would generally respect the eastern extent of development along Parsonage Road and in overall terms would have an acceptable relationship with existing development. This along with large areas of open space to be included with the scheme and the potential for additional planting, around the boundaries of the site was considered to help screen and soften the development from the wider surrounding area.
- 14.3.11** The layout of the proposed care home is generally the same the indicative outline scheme, as shown on drawing P17-2649\_09 Rev G. The orientation, shape, and placement of the building remains the same. Also, the proposed parking area, access into the site and the extent and location of landscaping around the perimeter of the site remains largely the same.
- 14.3.12** The frontage of the building largely follows other development in the vicinity being sited at the back edge of the public highway. Off Street Parking in the form of a parking court is positioned to the rear of the building and thus reducing the visual impact of on-site parked cars from Parsonage Road. The hard standing area is broken up with soft landscaping and thereby on balance the visual impact within the street scene is minimal.
- 14.3.13** The scheme will be both externally and internally facing. The proposals provide an active street frontage throughout the site with the building designed to overlook parking and open spaces offering surveillance.
- 14.3.14** The layout positively responds to the site constraints and the arrangement of the building has considered the site's specific context, specifically with respect to providing an appropriate interface between existing and proposed residential developments, and the surrounding built and natural environment.
- 14.3.15** A clear layout and other routes within the site help people to find their way around so that journeys are easy to make. It is considered that the layout responds to active travel standards. The proposals have given priority to pedestrian and cycle movements, subject to location and the potential to create connections. By considering and prioritising pedestrians and cyclists this has resulted in the creation of routes that are safe, direct, convenient, and accessible for people of all abilities. They have been designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that future residents and people will want to use them.
- 14.3.16** The proposals by reason of its appropriate layout of its buildings and spaces would result in a well-designed development that will have a positive and coherent identity for the future occupiers of the care home.

- 14.3.17** Accordingly, the proposed layout is in general accordance with the parameter plan as required by condition 4 of the outline permission
- 14.3.18** Scale:
- 14.3.19** Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts.
- 14.3.20** The outline application and accompanying supporting documentation assumed that the care home building would be three storeys with a single storey building to the rear for refuse storage.
- 14.3.21** The proposed building would be three storeys consisting of a height of 8.5m to its eaves and 12m to the ridgeline.
- 14.3.22** Although no formal indicative drawings formed part of the appeal submission indicating that the proposals would be three storeys in height, it can be reasonably assumed that the Inspector based their decision that the proposals would be of three stories as this was clearly identified within the Appellants supporting documentation including their design and access statement.
- 14.3.23** The Inspector considered the potential size and scale of the development within their decision confirming that the proposals would not be out of place when one takes into consideration the scale of existing development within the locality in which some is over two storeys, including the Stanstead Business Centre nearby. Notably, the business centre lies approximately 100m to the south and is equivalent to three storeys in height.
- 14.3.24** The Inspector also considers the development's relationship with existing development and due to the separation distance, there is scope for the scheme to provide an acceptable relationship with existing development in the locality.
- 14.3.25** The scale of the care home building is appropriate in relation to the character and appearance of the surrounding area. The building has been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding larger buildings ensuring a subservient and well-proportioned building.
- 14.3.26** The scale and form of proposals has been sensitively integrated into the built form so that it does not dominate the development, the surrounding locality, or the street scene.
- 14.3.27** The proposals generally adopt typical building forms, composition, articulation, and proportions in the locality and thus the scale and form of the proposals are deemed to be appropriate.

**14.3.28** Appearance:

**14.3.29** Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture.

**14.3.30** The materials used for a building affect how well it functions and lasts over time. They also influence how it relates to what is around it and how it is experienced. The scale, form, and appearance of a building influence what materials may be appropriate for its construction. Materials should be practical, durable, affordable, and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings.

**14.3.31** It is acknowledged that there is a wide diversity of traditional rural building types, from different periods within the district and the town of Takeley. External finishing materials will need to be natural and match the colour size and texture to reflect the surrounding character to reflect the design of the locality.

**14.3.32** The care home building is more contemporary in design with elements of traditional detailing. The building will utilise materials and finishes which can be found in the surrounding locality. External materials will range from facing red brick and coursing, white colour render, and black/dark grey composite timber cladding for the walls and grey slate effect ridge tiles for the roof. Balconies, rainwater downpipes and guttering, window and door openings will be framed in aluminium powder coated anthracite grey.

**14.3.33** Window and door openings have been arranged to emphasise the visual strength of the facades by allowing as much as possible wide solid piers as between openings and to help provide a symmetrical and balanced appearance.

**14.3.34** The roof of a building is its most visible feature and forms a key part of the building's character. Traditional buildings' roofs are generally simple in character and composed of local materials. The roof form of the care home will vary in height with different ridgelines, it will be set over the long and narrow plain form of the building and consist of both gable projections and hipped roof forms.

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

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

- 14.3.37** The proposals seek to respond to the location of the site on the edge of the town and provide a good quality development. The vernacular, architectural detailing and features will respond and contribute to local character.
- 14.3.38** Quality of Accommodation:
- 14.3.39** For proposal(s) for specialist residential accommodation, including care homes, nursing homes and other non-custodial institutions, the development must ensure sufficient external space to accommodate the normal recreational and other needs of residents, visitors, or employees. The National Planning Policy Framework supports 'strong, vibrant, and healthy communities', seeks positive improvements in the quality of people's lives, by 'improving the conditions in which people live', and always seeking 'a good standard of amenity for all and future occupants of land and buildings'
- 14.3.40** Unlike for residential dwellings or apartments and flats, there is no minimum requirement for outdoor amenity space for residential care homes referenced either within the Adopted Local Plan, Supplementary Planning Documents, or the Essex Design Guide.
- 14.3.41** However, the Department of Health document 'Care Homes for Older People National Minimum Standards Care Homes Regulations' provides guidance in that appropriate outdoor amenity space should be provided to meet the circumstances of residents of the care home. Once again there is no minimum provision for outdoor space to be provided.
- 14.3.42** Approximately 0.3 of outdoor amenity space is provided including a designated communal area located in the northwestern corner of the site. Furthermore, private terrace areas for the ground floor units along with balconies extending off the dining/lounge rooms on the first and second floors of the building providing further space. It is considered that this outdoor space provides a suitable service for the provision of social and safe outdoor environment where residents can relax or take part in outdoor activities.
- 14.3.43** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures. Robust and effective designs provide an excellent mechanism to ensure that such measures are delivered within new schemes.
- 14.3.44** The applicant has indicated within their Design and Access Statement that the design of the proposals to help tackle climate change and reduce carbon emissions will include the following techniques and features:
- Improved energy efficiency through siting, design, and orientation.

- Surpass current building regulations Part L and will be at least in line with the Future Homes Standard / Future Buildings Standard.
- Sustainable Urban Drainage Systems (SUDs).
- Fabric First approach in the design of building.
- Use of building materials capable of being recycled.
- Use of local building materials where possible.
- An element of construction waste reduction or recycling.
- Electric or air sourced heat pumps as a primary heat source; and
- Electric vehicle charging points.

**14.3.45** A suitable worded planning condition should be imposed if permission is granted for the applicant to provided details prior to the construction of the dwellings how the proposals will meet the required standards set out in the Interim Climate Change policy.

**14.3.46** The Police Designing Out Crime Officer has suggested amendments or additional details be incorporated into the scheme to help improve the overall security of the development. These matters are relatively minor in relation to the overall scheme and are appropriately dealt with by a condition, should planning permission be granted.

#### **14.4 B) Access to the site and highway issues**

**14.4.1** Access:

**14.4.2** Access to the development was approved as part of the outline application which established access to the site. There is one main access point, in the form of a priority T junction that extends from the four-arm roundabout from Parsonage Road.

**14.4.3** Parking:

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

**14.4.5** It should firstly be acknowledged that no residents occupying the care home facility will have their own vehicles on site.

**14.4.6** The Adopted Council Parking Standards recommends that a maximum of 1 space per full time staff and 1 visitor space for every 3 bedrooms for a residential care home. All parking spaces are a minimum of 2.9m x 5.5m.

**14.4.7** The amount of parking required for this site is linked to the operational requirements for both staff and visitors. The Applicant has confirmed that the total number of staff is 46 full time and 20 part time. This equates to 56 full time equivalent.

- 14.4.8** However, not all staff are on site at any one time due to different shift changes through the day/night. It was considered appropriate at the outline planning application stage that staff parking should relate to the maximum number of staff on-site at any one time. This would be 26 during the daytime and afternoon shift on a weekday.
- 14.4.9** Furthermore, the Applicant has taken into consideration the 2011 Census to determine means of local population travel modes to and from places of employment. The 2011 Census confirmed that on average 80% of the population in Takeley travelled to work by a private motor vehicle. The remaining 20% was by other means of transport such as walking, cycling or public transport.
- 14.4.10** Taking the above into account, based on the maximum number of staff being 26 at any one time, and considering that 80% of staff would travel by car, the Applicant submits that 20 off street parking spaces would accommodate the peak demand for staff parking.
- 14.4.11** Regarding visitor parking, based on the accommodation mix provided, a maximum of 22 off street parking spaces would be required across the development for visitor parking.
- 14.4.12** The Applicant stipulates that visitors are not frequent and most visiting takes place at weekends and in the evenings. Visitor times are normally in place to manage access and visiting hours are generally limited to 5 hours spread out across the day.
- 14.4.13** A total of 29 off-street parking spaces have been provided across the site and 2 disable spaces in addition. Two of these spaces will be provided with electric charging points. In addition, 2 spaces have been provided for two power wheel vehicles (e.g., motorcycle).
- 14.4.14** Given the justification as presented above in that there is a maximum need for 20 spaces for staff, this would leave 9 spaces free within the car park for visitors.
- 14.4.15** The site is highly sustainable within easy walking and cycling distance of the village and close to public transport links with bus stops located immediately adjacent the site. Furthermore, it should be recognised that both local and national guidance encourages and promotes the use of other means of sustainable transport and not rely on the need of private motor vehicles where possible.
- 14.4.16** The application was consulted to Essex County Council who are the lead local highway authority. They confirmed that following several revisions to the layout of the scheme to increase the amount of off-street parking for both staff and visitors across the site, an appropriate parking provision has now been provided as not to result in an overspill of parking in the surrounding highways. As such, the proposals would not amount to unwanted traffic congestion or result in harm to all users of the highways.



**14.4.17** The parking standards also requires a minimum of 1 secured and undercover cycle space for every 5 members of staff. A secured bike store has been provided near the front entrance of the site to provide adequate cycle storage for members of staff.

**14.4.18** Refuse and Service Vehicles:

**14.4.19** It has been stipulated by the Applicant that the site access point, and the internal parking court layout has been designed to accommodate refuse and emergency vehicles as appropriate to meet servicing standards. Space has been created within the site layout to allow manageable reversing and turning manoeuvres.

**14.5 C) Landscaping**

**14.5.1** 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.

**14.5.2** 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.

**14.5.3** Existing mature vegetation along the boundaries of the site have where possible been retained and are used to enhance public open space areas throughout the development to achieve a better sense of wellbeing and place making for future occupiers within the development.

**14.5.4** The general landscape layout has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment for both residents and staff. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect around the perimeter of the site. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

**14.5.5** Regarding the hard landscape areas, the block paving for the parking spaces, pedestrian walkways and internal roads will be a different colours and textures. This will reduce starkness and helps to identify the functions of these hard landscape elements.

**14.6 D) Whether the proposal would cause harm to the amenities of adjoining property occupiers**

- 14.6.1** Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.
- 14.6.2** The site plan shows a degree of separation between the proposed care home and the future adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive nor overbearing when viewed from adjoining properties.
- 14.6.3** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Construction Management Plan would ensure to address these points when the details are submitted.
- 14.6.4** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2 and GEN4.

**14.7 E) Other Issues**

- 14.7.1** Other material planning considerations such as contamination, noise, biodiversity, and drainage were assessed as part of the outline application were the Inspector concluded that no significant harm would occur subject to appropriate mitigation.
- 14.7.2** Relevant conditions requiring details of noise to protect the amenities of future residents from vehicle and airport traffic, along with investigation works as to the potential of contaminates contained within the site have been imposed on the outline decision and are required to be submitted and approved by the Council prior to works taken place.
- 14.7.3** A condition in relation to ecology was secured under the outline planning permission UTT/19/0394/OP including an ecological mitigation and enhancement scheme including details of all external lighting.
- 14.7.4** Condition 10 imposed on the approved outline permission granted by the Inspector requires that no development other than preliminary site preparation works shall commence until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority and that this scheme shall be based on sustainable drainage principles.
- 14.7.5** The details required by the above pre-commencement conditions imposed on the outline consent by the Inspector have yet to be submitted to the Council.

**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 layout of the site generally accords with the approved indicative masterplan that was granted permission under the outline application. The layout, size and scale of the proposals is considered appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time providing a sense of well-being for future occupiers and those people visiting the site. The proposed landscaping and open space including street frontage is appropriate.
- 16.2** The proposed development would cause no harm in relation to highway safety and promotes active travel and permeability. In addition, appropriate parking provision has been incorporated into the scheme that will meet the needs of staff and visitors.
- 16.3** The living conditions of future occupiers of the new care home would be appropriate and the proposals would not lead to excessive harm upon the

amenities of existing and future adjoining property occupiers surrounding the site.

- 16.4** The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It is thereby recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/19/0394/OP subject to the conditions outline below.

**17. Conditions**

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

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

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

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

- 3.** The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. 304.07 P22-2854-DE-007-A-11.

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

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

- a) The construction programme and phasing.
- b) Details of any highway works necessary to enable construction to take place.
- c) Details of hoarding.
- d) Management of traffic to reduce congestion.

- e) Control of dust and dirt on the public highway.
- f) Details of consultation and complaint management with local businesses and neighbours.
- g) Waste management proposals.
- h) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- i) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

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

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance.

5. The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

REASON: To ensure that the appearance of the development is satisfactory in accordance with Local Policy GEN2 Uttlesford Local Plan Adopted (2005) and the National Planning Policy Guidance.

6. No fixed plant or machinery shall be installed on the site until details of the level of noise generated by the plant or machinery have been submitted to, and approved in writing, by the Local Planning Authority. The rating level noise resulting from the operation of fixed plant or machinery shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014. The plant shall thereafter be installed and maintained in accordance with the approved details.

REASON: To protect human health and the environment in accordance with Policies GEN2 and GEN4, of the Uttlesford District Council Local Plan as Adopted (2005), the National Planning Policy Guidance.

7. Prior to commencement of the development hereby approved, measure of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and

thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV13 and GEN2, of the Uttlesford District Council Local Plan as Adopted (2005), the National Planning Policy Guidance, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

8. The proposed development shall not be occupied until such time as the vehicle parking area indicated on drawing no: P22-2854\_DE\_005\_G\_01, including 29no. car parking spaces and 2no. car parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. 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 and that appropriate parking is provided in accordance with Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005), the National Planning Policy Guidance.

## Statutory Consultee Responses

### Highway Authority

Your Ref: UTT/23/0062/DFO  
Our Ref: HT/SD/RMc/34331  
Date: 02/11/2023



CC (by email): Cllr Barker

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

Paul Crick  
Director of Highways and Transportation

County Hall  
Chelmsford  
Essex  
CM1 1QH

#### Recommendation

Application No.	UTT/23/0062/DFO
Applicant	Portland Care Ltd And Endurance Estates Land Promotion Ltd 1 Station Road Foxton Cambridge CB22 6SA
Site Location	Land East Of Parsonage Road Takeley
Proposal	Details following outline application UTT/19/0394/OP for a 66 bed care home - details of appearance, landscaping, layout and scale

The highway authority provided a response dated 28<sup>th</sup> March 2023 – this detailed that the proposal was not acceptable for a number of reasons. The applicant subsequently submitted a revised site layout plan (drawing no. P22-2854\_DE\_005\_D\_01) and Technical Note 01 – Car Parking (dated July 2023) which was also found to be unacceptable, for the reasons provided in our response dated 5<sup>th</sup> September 2023. Following that response, a meeting was held with the applicant's transport consultant resulting in the submission of a revised site plan, revised hard landscaping zoning plan and Technical Note 02 – Car Parking (dated Oct 2023). The highway authority has now reviewed the revised submission.

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

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on drawing no: P22-2854\_DE\_005\_G\_01, including 29no. car parking spaces and 2no. car parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. 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 and that appropriate parking is provided in accordance with Policy DM8.

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.

A handwritten signature in black ink that reads "P. Crick".

.....  
pp. Director of Highways and Transportation

## National Highways



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

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

To: Uttelsford District Council

CC: [transportplanning@dtf.gov.uk](mailto:transportplanning@dtf.gov.uk)  
[spatialplanning@highwaysengland.co.uk](mailto:spatialplanning@highwaysengland.co.uk)

**Council's Reference:** UTT/23/0062/DFO

NH Ref

**Location:** Land East Of Parsonage Road Takeley

**Proposal:** Details following outline application UTT/19/0394/OP for a 66 bed care home – details of appearance, landscaping, layout and scale

Referring to the consultation on a planning application dated 12 Jan 23 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

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

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

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<sup>1</sup> Where relevant, further information will be provided within Annex A.



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](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

<b>Signature:</b> 	<b>Date:</b> 17 January 2023
<b>Name:</b> Mark Norman	<b>Position:</b> Spatial Planner
<b>National Highways</b> Highways England   Woodlands   Manton Lane   Bedford   MK41 7LW	

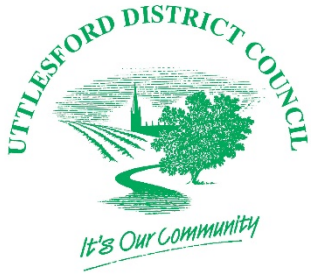
**Annex A** National Highway's assessment of the proposed development

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

This response represents our formal recommendations with regards to UTT/23/0062/DFO and has been prepared by Mark Norman.

Given the nature and location of this application it is unlikely to result in a severe impact upon the Strategic Road Network.

# Agenda Item 10



**ITEM NUMBER:** 10

**PLANNING COMMITTEE DATE:** 13 December 2023

**REFERENCE NUMBER:** UTT/23/2555/FUL

**LOCATION:** Land Behind The Old Cement Works  
Thaxted Road, Saffron Walden,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 14 Nov 2023.

**PROPOSAL:** S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL approved under appeal ref APP/C1570/W/20/3264407 (Erection of 35 Dwellinghouses) in order to substitute drawing 90416.01 for BRD/22/029/012 to make amendments to plots 7 and 8.

**APPLICANT:** Amherst Homes

**AGENT:** Mr Ian Grant - BRD Tech Ltd

**EXPIRY DATE:** 9 January 2024

**EOT Expiry Date:** N/A

**CASE OFFICER:** Chris Tyler

**NOTATION:** Within Development Limits

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

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**1. EXECUTIVE SUMMARY**

- 1.1** The proposal includes the variation of condition 2 (plans) attached to UTT/20/0864/FUL (approved at appeal ref APP/C1570/W/20/3264407). The variation of these conditions enables changes to plots 7 and 8 in order to extend the ground floor single storey rear element of the dwellings and further revisions to the fenestration.
- 1.2** The proposed changes in will not result in a harmful impact to appearance or character of the site or surrounding area.
- 1.3** The alterations will not have a harmful impact to the private amenity of neighbouring properties.
- 1.4** As such it is considered the revision to the design of the approved scheme are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.

**2. RECOMMENDATION**

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

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

**And**

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

**3. SITE LOCATION AND DESCRIPTION:**

**3.1** The site is located off Thaxted Road, Saffron Walden. It comprises an area of open land, previously used as a cement works, lime kiln and scrapyard, to the rear of existing residential development at The Kilns and Tiptoft Lane.

**3.2** The application site has extant planning permission to develop 35 dwellings.

**4. PROPOSAL**

**4.1** This application seeks to vary condition vary conditions 2 (plans) attached to UTT/20/0864/FUL (approved at appeal ref APP/C1570/W/20/3264407) and to make amendments to plots 7 and 8.

**4.2 Approved Condition 2:**

The development hereby permitted shall be carried out in accordance with the following approved plans:

901416.30 Rev G; 901416.31 Rev A:  
901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C;  
**901416.01**; 901416.02; 901416.03; 901416.04; 901416.05;  
901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11;  
901416.12; 901416.13;901416.14; 901416.15 Rev A; 901416 Rev A;  
901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21;  
901416.22; 901416.23; 901416.24; 901416.25; 901416.26 Rev A;  
901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev C;  
901416.34 Rev C; 901416.35 Rev C; 901416.40.

**4.3 Proposed Condition 2:**

The development hereby permitted shall be carried out in accordance

with the following approved plans:

901416.30 Rev G; 901416.31 Rev A;  
 901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C;  
**BRD/22/029/012**; 901416.02; 901416.03; 901416.04; 901416.05;  
 901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11;  
 901416.12; 901416.13; 901416.14; 901416.15 Rev A; 901416 Rev A;  
 901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21;  
 901416.22; 901416.23; 901416.24; 901416.25; 901416.26 Rev A;  
 901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev  
 C; 901416.34 Rev C; 901416.35 Rev C; 901416.40.

- 4.4** The proposed revision includes extension to the single storey rear section, changes to the approved fenestration.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/23/0114/FUL	Variation of condition 14 attached to UTT/20/0864/FUL allowed on appeal - in order to exclude Plots 22-23, 24-26 and 33-34 from the need to comply with Building Regulation M4(2)	Approved subject to S106
UTT/20/0864/FUL	Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO	Refused, allowed at appeal
UTT/17/3038/DFO	Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale.	Approved

UTT/16/1444/OP	Outline application, with all matters reserved except for access, for a residential development of up to 49 dwellings. Previously approved under UTT/13/1937/OP	Approved
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**7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**Highway Authority-No objections**

8.1 The highway authority have reviewed the proposed amended plan for plots 7 & 8 and are satisfied that there will be no detrimental impact on highway safety, efficiency or accessibility.

**9. SAFFRON WALDEN TOWN COUNCIL COMMENTS**

9.1 No comments received.

**10. CONSULTEE RESPONSES**

**10.1 NATS - Safeguarding**

10.1.1 No safeguarding objection to the proposal.

**10.2 Essex Police**

10.2.1 We thank you for notification of the variation to application UTT/20/0864/FUL and have nothing further to add.

**10.3 UDC Environmental Health**

10.3.1 Thank you for consulting me on this application. The proposed changes do not affect the Environmental Protection Team's previous response, we have nothing further to add.

**10.4 Stansted Airport Group**

10.4.1 No Objections

**11. REPRESENTATIONS**

11.1 Site notice/s were displayed on site and 76 notifications letters were sent to nearby properties. The notification was also published in the local press.

**11.2 Support**

11.2.1 N/A

**11.3 Object**

11.3.1 N/A

**11.4 Comment**

11.4.1 N/A

**12. MATERIAL CONSIDERATIONS**

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

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

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

**12.3 The Development Plan**

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



Saffron Walden Neighbourhood Plan (made 11 October 2022)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

**13. POLICY**

**13.1 National Policies**

**13.1.1** National Planning Policy Framework (2023)

**13.2 Uttlesford District Plan 2005**

S1 – Development Limits for the Main Urban Areas

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision to Support Development

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

E2 – Safeguarding Employment Land

ENV8 – Other Landscape Elements of Importance for Nature Conservation

ENV12 – Protection of Water Resources

ENV13 – Exposure to Poor Air Quality

ENV14 – Contaminated Land

H1 – Housing Development

H3 – New Houses within Development Limits

H9 – Affordable Housing

H10 – Housing Mix

SW6 – Safeguarding of Existing Employment Areas

**13.3 Saffron Walden Neighbourhood Plan (made 11 October 2022)**

SW3 - Design

**13.4 Supplementary Planning Document or Guidance**

Essex Design Guide

**14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2 A) Design and Appearance**

**B) Amenity**

**14.3 A) Design and Appearance**

- 14.3.1** ULP Policy GEN2 considers the design of development and advises development will not be permitted unless is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 14.3.2** Paragraph 130 (b) of the NPPF advises planning decision should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 14.3.3** Policy SW3 of the Saffron Walden Neighbourhood Plan states development in Saffron Walden must contribute positively to the Parish's sense of place through a design-led approach underpinned by good design principles.
- 14.3.4** In regard to the design and appearance of Plot 7 and Plot 8, although the proposal includes a material change to the original planning approval the overall appearance of the dwelling will not result in any significant alteration. The proposed revision to the development includes the extension of the single storey rear section of the dwelling and changes to the fenestration. The changes are not considered result in harmful impact to the overall character or appearance of the site, proposed dwelling or surrounding area.
- 14.3.5** As such it is considered the design and appearance of proposed revisions are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.

**14.4 B) Amenity**

- 14.4.1** ULP Policy GEN2 considers the design of development and advises development will not be permitted if it results in an adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy.
- 14.4.2** Paragraph 130 (f) of the NPPF advises planning decision should ensure developments include a high standard of amenity for existing and future users.
- 14.4.3** Policy SW3 of the Saffron Walden Neighbourhood Plan considers the impact to the amenity including overlooking as overlooking both for existing neighbours and future residents.
- 14.4.4** Although the proposed revision includes extending the footprint of the dwellings it will not result in any adverse effect on the private amenity area of neighbouring properties from overlooking or loss of privacy. As such it is considered proposed revisions in regard to amenity are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

## **15.2 Human Rights**

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

## **16. CONCLUSION**

- 16.1** The variation of condition 2 is considered acceptable. The increase in footprint and external design of the dwelling will not result in a harmful impact to appearance or character of the site or surrounding area.
- 16.2** The alterations to the layout of Plots 7 and 8 will not result in a harmful impact to the private amenity of neighbouring properties.
- 16.3** As such it is considered the revision to the design of the approved scheme are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF

## **17. S106/ CONDITIONS**

- 17.1** A S106 – deed of variation will be required to transfer the previous S106 planning obligations to this new planning permission, the heads of terms include:
- (i) Affordable Housing,
  - (ii) Education Contribution,

- (iii) Health Services Contribution,
- (iv) Pay the Council's reasonable legal costs
- (v) Pay the monitoring fee

## 17.2 CONDITIONS

- 1 The development to which this permission relates to shall begin by the 12th July 2024, in compliance with the expiration of 3 years from the decision date of allowed appeal APP/C1570/W/20/3264407.

REASON: To comply with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

901416.30 Rev G; 901416.31 Rev A;  
901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C;  
**BRD/22/029/012**; 901416.02; 901416.03; 901416.04; 901416.05;  
901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11;  
901416.12; 901416.13; 901416.14; 901416.15 Rev A; 901416 Rev A;  
901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21;  
901416.22; 901416.23; 901416.24; 901416.25; 901416.26 Rev A;  
901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev C;  
901416.34 Rev C; 901416.35 Rev C; 901416.40.

- 3 The development hereby approved shall be carried out in accordance with the landscaping details submitted and approved under discharge of conditions application UTT/22/1454/DOC.

All landscape works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

- 4 The dwellings in the proposed development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans (901416.30 Rev G), has been hard surfaced, sealed and marked out in parking bays. 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: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 5 The cycle parking facilities as shown in principle on drawing number 901416.33 Rev C are to be provided prior to the first occupation of the

dwellings which they serve, they shall be secure, convenient, covered and retained thereafter.

REASON: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 6** The development hereby approved shall be carried out in accordance with the biodiversity enhancement strategy details submitted and approved under discharge of conditions application UTT/22/1454/DOC.

All works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

- 7** Each dwelling hereby permitted must not be occupied until such time as its associated vehicle parking area has been developed and provided in accordance with Drawing No. 90416.30 Rev G.

REASON: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 8** The eaves and ridge heights of the permitted dwellings relative to each other and to existing buildings must be constructed as shown on the following drawings:

- Drawing No. 90416.40
- Drawing No. BRD/22/029/010-A

REASON: To clarify the height and visual relationship between existing and permitted buildings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9** The development hereby approved shall be carried out in accordance with the drainage details submitted and approved under discharge of conditions application UTT/22/2574/DOC.

The drainage scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To prevent flooding by ensuring a satisfactory drainage scheme and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 10** A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP policy ENV13 and paragraph 105 of the NPPF.

- 11** The development hereby approved shall be carried out in accordance with the contamination assessment submitted and approved under discharge of conditions application UTT/22/1449/DOC, unless otherwise agreed in writing by the local planning authority.

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

- 12** The development hereby approved shall be carried out in accordance with the contamination remediation assessment submitted and approved under discharge of conditions application UTT/22/1449/DOC, unless otherwise agreed in writing by the local planning authority.

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

- 13** Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

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

- 14** Excluding Plots 22-23, 24-26 and 33-34, The dwellings hereby approved shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition”.

REASON: To ensure 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.

- 15** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

REASON: in the interests of sustainable transport provisions in accordance with ULP Policy GEN1.

- 16** The development hereby approved shall be carried out in accordance with the construction method statement submitted and approved under discharge of conditions application UTT/22/1832/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the construction of the development is in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

## APPENDIX 1- HIGHWAY AUTHORITY

**Date:** consultation response  
17 October 2023 13:42:50

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UTT/23/2555/FUL | S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL approved under appeal ref APP/C1570/W/20/3264407 (Erection of 35 Dwellinghouses) in order to substitute drawing 90416.01 for BRD/22/029/012 to make amendments to plots 7 and 8. | Land Behind The Old Cement Works Thaxted Road Saffron Walden Essex

Good morning,

Thank you for consulting us on the above application. The highway authority have reviewed the proposed amended plan for plots 7 & 8 and are satisfied that there will be no detrimental impact on highway safety, efficiency or accessibility.

Kind regards,

**Rachel McKeown**

Strategic Development Engineer







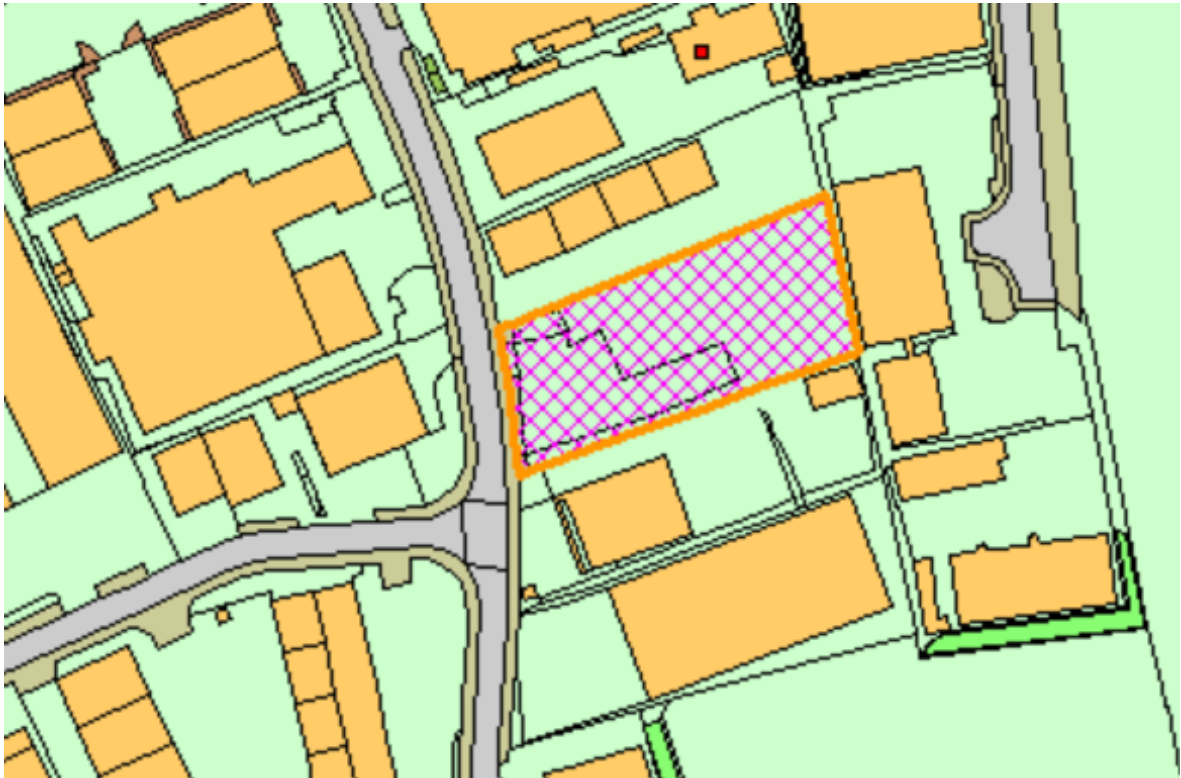
**ITEM NUMBER:** 11

**PLANNING COMMITTEE DATE:** 13 December 2023

**REFERENCE NUMBER:** UTT/23/0990/FUL

**LOCATION:** 7 Shire Hill, Saffron Walden

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 30 November 2023

**PROPOSAL:** Proposed new light industrial unit with associated car park and servicing area.

**APPLICANT:** Mr Steve Wingham GCA Ltd.

**AGENT:** Mr Grant Teasdale Campus Park Ltd

**EXPIRY DATE:** 20 July 2023

**EOT EXPIRY DATE:** 15 December 2023

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Within Development Limits, Designated Employment Site.

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

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**1. EXECUTIVE SUMMARY**

- 1.1** Full planning permission is sought by the applicant (GCA Ltd) for the erection of a new light industrial unit alongside associated works at the site known as '7 Shire Hill, Saffron Walden'.
- 1.2** The site lies within the development boundary limits of Saffron Walden and the Shire Hill Industrial Estate which is designated and protected for employment and is the major strategic employment estate for the town.
- 1.3** The applicant currently has an existing premises within the estate; however, they have now outgrown their current premises and are now seeking to expand and grow their existing business which consists of developing wireless telecoms components and product design research.
- 1.4** This report concludes that the proposals to provide a fit for purpose new building is appropriate in principle and that the design of the building is appropriate to the character and appearance of the surrounding area and the street scene. The new building would ensure that existing business stays within the district and promotes and encourages new employment opportunities helping to provide economic benefits to the town and the wider area. All other material considerations regarding neighbouring amenity, traffic and transportation, flooding and drainage, and

environmental impacts have been fully consideration as detailed in this report.

- 1.5 This report concludes that subject to appropriate conditions, the proposals would comply with the relevant policies of the Uttlesford District Local Plan, the Saffron Walden Neighbourhood Plan, and the National Planning Policy Framework. It has therefore been recommended for approval by officers to members of this planning committee.

## 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 is located on the eastern side of Shire Hill Road within the town of Saffron Walden. The site itself is rectangular in shape, is relatively level and comprises approximately 0.3 of a hectare.
- 3.2 There is no established built form on the site as it mainly contains a large expansive hard paved area that was previously used as an overflow vehicle parking area for the estate with some overgrown vegetation to the rear. There are two vehicle crossovers along Shire Hill Road that provides the main ingress points for vehicles and pedestrians
- 3.3 The site lies primary within the central part of the Shire Hill Industrial Estate which is designated and protected for employment and is the major strategic employment estate for the town. There is a mixture of building types and sizes with a variety of different commercial and light industrial uses throughout the estate.
- 3.4 There are no statutory natural or environmental designations within or close by to the site. The site is not located within or close to any heritage assets and the Environmental Agency's Flood Risk Mapping identifies the site as being in Flood Zone 1 which is a low probability of flood risk.
- 3.5 Within the application site and towards the northwestern front corner lies a cell mast site that comprises of a telecommunication mast and associated infrastructure. This does not form part of the application.

## 4. **PROPOSAL**

- 4.1 The proposed works comprise of a single light industrial unit with associated carpark and servicing area. The proposals would contain a two-storey building of a contemporary modern appearance with a shallow

pitch roof form and externally finished from clad steel cladding and glazing.

- 4.2** The proposed unit will have a gross internal area of 1540 sq.m which includes ground and mezzanine floors. As confirmed by the supporting plans, the ground floor will comprise of the large assembly / storage area, and office reception lobby whilst the mezzanine floor will comprise of offices, meeting room, canteen, staff wc's, product assembly, R&D, and testing rooms.
- 4.3** The building would be centrally located within the site with off street parking for staff and deliveries to the rear. Parking numbers includes, 19 standard spaces, (including 2 with ev charging), another 2 accessible spaces, a motorcycle parking, (for 3 bikes), and a bicycles rack, (for 10 cycles).
- 4.4** The supporting Design and Access Statement confirms that the applicant GCA has long been an established business within the Shire Hill Industrial estate. They have now outgrown their current premises and are now looking to expand and provide a fit for purpose headquarters unit for their own occupation that allows them the capacity to grow the business and to improve productivity and efficiency.
- 4.5** It is further recognised that the applicant's primary business model involves developing wireless telecoms components to customer specification for the mobile communications network and to carry out product design research and development in this specific field.
- 4.6** The facilities bounding the site are as follows:
1. North Elevation: An industrial warehouse (Medina Centre), comprising of 4 units.
  2. East Elevation: Two storey brick building, (Business & Technology Centre).
  3. South Elevation: An industrial manufacturing warehouse,
  4. West Elevation: Access to Shire Hill.
- 4.7** Access to the site for pedestrians, cyclists and vehicles will remain unchanged.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** The proposal falls within 10(a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest industrial-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 reserve matters application.

## **6. RELEVANT SITE HISTORY**

**6.1** A search of Council's records indicates the following recorded planning history for the site:

- UTT/0717/77 - Proposed formation of a temporary car park to serve employees (approved).
- UTT/0191/79 - Proposed site for erection of a warehouse building on plot 7 (approved).
- UTT/0300/91 - Retrospective application for change of use from undeveloped vacant land to parking for staff and delivery vehicles (approved).
- UTT/0208/92 - Detailed application for fencing and lighting to car park (approved)

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

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

**7.2** The applicant sought advice from the Council with the submission of a formal pre-application ref: UTT/23/0263/PA on 3rd February 2023 in respect to the proposals.

**7.3** In the Council's formal response, it was concluded that the principle, design, and appearance of the proposals appears to be acceptable from an officer's opinion. However, the finer technical details such as potential noise and contamination issues and potential harm upon the amenities of adjoining occupiers would need to be fully considered during the assessment of the scheme when a full application is submitted to the Council.

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

### **8.1 ECC Flooding Authority – No Objections**

**8.1.1** 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 suggested conditions being imposed on the decision if permission is approved.

### **8.2 ECC Highway Authority – No Objection.**

**8.2.1** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to suggested conditions.

**9. TOWN COUNCIL COMMENTS**

**9.1** Saffron Walden Town Council confirmed in their formal response that they have no objections to the proposals.

**10. CONSULTEE RESPONSES**

**10.1 UDC Environmental Health – No Objection**

**10.1.1** Confirmed they have reviewed all supporting documentation and that they have no objections to the proposal subject to suggested conditions being imposed if the Council are mindful of granting permission in relation to contamination, air quality, noise and disturbance, and construction management.

**10.2 Place Services (Ecology) – No Objection**

**10.2.1** Confirmed that they have reviewed all supporting documentation and advised that they have no objection subject to securing biodiversity mitigation and enhancement measures.

**10.3 Anglian Water – No Objection**

**10.3.1** Anglian Water confirmed that they have no objections subject to imposing planning conditions if the Local Planning Authority is mindful to grant planning approval in relation to Used Water Sewerage Network and Surface Water Disposal.

**11. REPRESENTATIONS**

**11.1** The application was notified to all adjoining and adjacent landowners/occupiers and a site notice placed on site. A single representation was received in which the main comments can be summarised as per below:

- 11.2**
- The proposals would create dust and noise during construction works.
  - The site has permission for a car park and thereby there should not be a planning application for a new building on the site.
  - Large lorries trying to do deliveries and cars parked half on half off the pavements on the industrial estate can bring the area to a standstill several times a day.
  - Potential for overspill of parking onto surrounding highways.
  - Requests that the proposed new building be positioned further away from our building with a much larger parking area to the rear.

**11.3 Comment**

**11.3.1** Concerns regarding to noise and disturbance can be controlled via an appropriately worded condition requiring the submission of a construction environmental management plan prior to works commencing on the site.

Regarding parking, the Council cannot control current perceived issues regarding off-site parking and congestion but can ensure that appropriate parking is provided on site to certify that there is no excessive overspill because of the proposals. Issues concerning amenity are addressed further in the main assessment of this report.

## **12. MATERIAL CONSIDERATIONS**

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

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

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

## **12.3 The Development Plan**

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

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2023)

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



**13.2.1** Below is a list of the most relevant Development Management Policies in relation to this proposal:

- Policy S1 (Settlement Boundaries)
- Policy GEN2 (Design)
- Policy GEN3 (Flood Protection)
- Policy GEN4 (Good Neighbourliness Policy)
- Policy GEN8 (Parking)
- Policy ENV11 (Noise Generators)
- Policy ENV13 (Exposure to Poor Air Quality)
- Policy ENV14 (Contaminated Land)
- Policy SW6 (Safeguarding of Existing Employment Areas)

### **13.3 Saffron Walden Neighbourhood Plan**

**13.3.1** The Saffron Walden Neighbourhood Plan was formally made by Council on 11 October 2022. The most relevant policies to consider include:

- Policy SW3 (Design)
- Policy SW4 (Parking on new developments)
- Policy SW9 (Development of New and Existing Commercial Spaces)

### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
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) Character and Design**
  - C) Vehicle Access and Parking**
  - D) Neighbouring Amenity**
  - E) Flooding and Drainage**
  - F) Contamination**
  - G) Nature Conservation**

### **14.3 A) Principle of development**

**14.3.1** The site is located within a built-up area and contained within the settlement boundary limits of Saffron Walden whereby Policy S1 states that new development in these areas is appropriate subject to other material considerations.

- 14.3.2** Policy SW6 requires that for larger existing employment areas such as the Shire Hill Industrial Estate shall be safeguarded from redevelopment or the change of use.
- 14.3.3** The Saffron Walden Neighbourhood Plan sets out its economic objective for the town and for it to be one of which is to be economically active and as self-sustaining as possible and be desirable for employment opportunities and provide residents with places of work. It also supports proposals that will enhance the attractiveness and competitiveness of commercial units, both in use and vacant, for existing and new businesses to the town.
- 14.3.4** It also recognises that industrial premises which require large volumes of space are unlikely to be attracted to Saffron Walden because of the distance from the M11 and the high value of land, although it is hoped that specialised manufacturing may be encouraged to stay and grow.
- 14.3.5** Section 6 of the NPPF focuses on building a strong competitive economy.
- 14.3.6** Paragraph 81 states; *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation 42, and in areas with high levels”*.
- 14.3.7** Paragraph 83 of the NPPF states *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations”* This scheme is considered to comply with Paragraph 83 of the NPPF.
- 14.3.8** It acknowledged that the existing business has outgrown its current premises and is in need to expand to allow for the business to grow and become more efficient and effective in its operations.
- 14.3.9** Not only will the proposals allow for the business to grow, just as important it will attract and maintain new investment and employment opportunities to both the town of Saffron Walden and the district of Uttlesford as a whole. The construction of a new modern premise will allow for the business to respond to market demand, increase market share and capitalise on a growing brand that has been established within the town for many years.

- 14.3.10** Retaining the business within the town will help to provide diversity, develop a unique brand, and offer services beyond just retail.
- 14.3.11** The proposals would make better, and a more efficient use of underutilised land. The site is located within a key strategic area of the town of Saffron Walden designated for employment.
- 14.3.12** The knock-on effects of this are that the application site requires effective public transport, ensuring workers can access these jobs. Good public transport systems which link people to jobs and essential services are key to supporting economic growth. Shire Hill Estate and the application site are within relative ease of access to the town centre amenities and facilities. The site is also accessible by alternative travel options via buses and cycle route linkages and as such is highly accessible.
- 14.3.13** Overall, in terms of the principle of development, the proposed development is in accordance with the policies within the NPPF, and Local Plan Policies S1 and SW6 of the Adopted Local Plan and Policy SW9 of the Saffron Walden Neighbourhood Plan.

#### **14.4 B) Character and Design**

- 14.4.1** 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. These criteria are reflected in Policy GEN2 of the adopted Local Plan and SW3 of the Saffron Walden Neighbourhood Plan which also requires that development is compatible with the scale, form, layout, appearance, and materials of surrounding buildings.
- 14.4.2** It is acknowledged that the estate comprises many different types of building forms and commercial/light industrial uses with many of the buildings appearing a little run down and need of refurbishment to enhance the appearance of the general street scene and the estate. Any new modern buildings are thereby welcome to help revitalise and bring back interest into the estate.
- 14.4.3** The proposals respond to existing local character and identity. Local identity is made up of typical characteristics such as the pattern of buildings, and special features that are distinct from their surroundings. These specific features can be distinguished by their uses and activity, and/or their physical form and design
- 14.4.4** Although of a modern contemporary design, since the proposal would appear as a continuation of similar existing employment units on the adjacent sites, there would be no adverse effects on the character and appearance of the area. The proposal would introduce a commercial building into an existing expansive plot. The proposed design of the unit

including the use of metal cladding would be utilitarian in nature and in keeping with the surrounding commercial nature of the area.

**14.4.5** The appearance of all the elements of the proposals provides a well-articulated visually interesting building. It will provide a compact form of development with the building position centrally within the site which will promote inclusion and cohesion with surrounding built forms and enabling the proposals to create a built environment that contributes to its surrounding character.

**14.4.6** The design and appearance of the proposals comply with the Local Plan Policy GEN2 of the Adopted Local Plan, Policy SW3 of the Saffron Walden Neighbourhood Plan and the NPPF.

#### **14.5 C) Vehicle Access and Parking**

**14.5.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they 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.

**14.5.2** The two existing vehicle crossovers along Shire Hill Road will be utilised as the main points of vehicle access to and from the site. The application was consulted to Essex County Council who are the lead local highway authority. They confirmed that they have no objections to the proposals.

**14.5.3** Well-designed car and cycle parking at should be conveniently sited so that it is well used. It is required that on-site vehicle parking is provided to avoid on-street problems such as pavement parking or congested streets. Parking should be safe and meets the needs of different users including staff, visitors, and people with disabilities.

**14.5.4** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'. The adopted Council parking standards recommended for at a maximum of one space is provided for every 50sq.m of floor area. The proposals amount to a floor area of 1540sq.m and as per the parking standards, this would amount to a maximum of 31 off street vehicle spaces. A lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport. Parking numbers includes, 19 standard spaces, (including 2 with ev charging), another 2 accessible spaces, a motorcycle parking, (for 3 bikes), and a bicycles rack, (for 10 cycles). This is acceptable.

#### **14.6 D) Neighbouring Amenity**

- 14.6.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property.
- 14.6.2** The full operations of the proposals are currently unknown in respect to hours of operation, number of vehicle movements, including deliveries or even potentially the operation of heavy machinery that may result in unwanted noise and disturbance. There is also little substantial evidence before officers to indicate that the proposal would give rise to adverse effects on the conditions of neighbouring occupiers with regard to vibration, air or light pollution.
- 14.6.3** However, appropriate control and mitigation of any potential noise and disturbance either during the construction or operational phases of the proposal can be appropriately regulated through the imposition of a condition requiring that a construction environmental management plan be submitted and approved by the Council prior to works commencing on the site. This will include hours of construction and measures to control dust and noise. Other measures such as appropriate lighting and hours of operation can also be controlled by way of planning conditions.
- 14.6.4** Due consideration has been given regarding the potential impact the proposal would have on the amenities enjoyed by adjoining users in relation to loss of privacy or loss of light. Particular attention has been given to the adjoining property to the south where it is recognised that the proposals and particular the first-floor element of the new building would be located close to, but off the side boundary shared with this property. It is also acknowledged that this building has first floor windows on the flank elevation which most likely services office space.
- 14.6.5** The proposals provide an outdoor amenity area on the first-floor element of the new building for staff to enjoy. Apart from what appears to be natural screening consisting of vegetation on pots, no other mechanism of adequate screening has been proposed. To avoid potential unwanted overlooking of the adjoining property to the south, prior to the works commencing on the site, it is considered that a condition requiring measure of appropriate screening be provided and approved by the Council.
- 14.6.6** Due to appropriate mitigation to be imposed by conditions, the orientation of the proposals and their distance set away from nearby commercial buildings, the proposals would not result in significant harm in respect to the amenities enjoyed by adjoining users. The proposals would not be visually intrusive, nor result in a loss of privacy or natural light. In summary, the proposals would not result in unacceptable impacts such as those identified in Policy GEN2 and GEN4.

## **14.7 E) Flooding and Drainage**

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

**14.7.2** The Environment Agency's (EA) indicative Fluvial and Tidal Flood Mapping demonstrates that the proposed development is located within Flood Zone 1. It is not expected that the proposals will amount to an increased risk of flooding of the site or elsewhere, however, appropriate surface and foul water drainage should be incorporated as part of the scheme. As the site is under 0.5 of a hectare, there is no requirement to provide a Flood Risk Assessment as part of any future application.

**14.7.3** The application was consulted to Essex County Council who are the lead local flooding authority who confirmed that they have no objections subject to conditions being imposed if permission is approved. It is requested that prior to works commencing on site that a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development be submitted to and approved in writing by the local planning authority. It is also suggested that a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater is submitted prior to works commencing.

## **14.8 F) Contamination**

**14.8.1** Given the previous use of the site and the nearby uses, there may be the potential that the site contains contaminated deposits. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the Adopted Local Plan. The Applicant has provided a Phase 2 Investigation carried out by STM Environmental in support of the proposals.

**14.8.2** The Phase 2 Investigation carried out by STM Environmental 8th April 2022, Reference: PH2-2022-000016 found elevated levels of TPH in the area around BH06. As potentially significant pollutant linkages were identified it will be necessary for a remediation method statement to be submitted to show how the site will be remediated to ensure that future users of the site do not come into contact with any harmful levels of contamination. As such the Council's Environmental Health Team have suggested conditions to deal with the potential and mitigation of contamination in that no development shall commence on site including demolition and any preparatory works until a detailed remediation scheme to bring the site to a condition suitable for the intended use. The suggested condition are provided in full within Section 17 of this report.

## **14.9 G) 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.
- 14.9.3** Place Services ecologist have reviewed the supporting Preliminary Ecological Appraisal submitted in support of the proposals in detail and confirm that they have no objections with the proposals and that the development can be deliverable subject to appropriate mitigation measures being secured and implemented in full. Place Services also support the proposed biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity. It is suggested that if permission is granted, biodiversity enhancement and mitigation measures should be secured by a condition of any consent.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

### **15.2 Human Rights**

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

**16. CONCLUSION**

- 16.1** The proposals subject to this application seeks full permission comprising of a single light industrial unit with associated carpark and servicing area.
- 16.2** The proposals will provide a fit for purpose new building to a current existing business within the estate who have outgrown their current premise. The site lies within the main built-up employment area of the Shire Hill Industrial estate where the principle of such new buildings and uses are deemed to be appropriate. The relocation of the existing business to this new facility will help it flourish and attract new investment to the town of Saffron Walden and the wider district of Uttlesford and thereby providing significant economic benefits.
- 16.3** Regarding design, the proposals would be of modern contemporary design, which will help to enhance the appearance of this vacant plot of land and industrial estate overall. The proposals would respond to the existing local character and the surrounding identity of the estate and provide visual interest.
- 16.4** Consideration has been given to all other planning merits, including those points raised by third parties and no objections have been received by statutory and non-statutory consultees.
- 16.5** The proposals would comply with the relevant policies of the Uttlesford District Local Plan, the Saffron Walden Neighbourhood Plan and the National Planning Policy Framework and has thus been recommended for approval subject to the condition suggested below.

**17. CONDITIONS**

- 17.1** Set out below are a list of the suggested conditions that are deemed necessary and are relevant to the proposals.

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

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

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with



the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. GCA-CPL-00-XX-DR-A-0700 P05.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policy GEN2 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Frameworks.

4. Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs 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 & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

5. Prior to the commencement of works including demolition and any preparatory works until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and been approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works thereafter shall be constructed in accordance with the remediation scheme.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with ENV14 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

6. The approved remediation scheme under Condition 5 shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with ENV14 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

7. If contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site the contamination reported in writing to the Local Planning Authority.

An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval.

The measures in the approved remediation scheme shall thereafter be implemented in accordance with the approved timetable. Halted works shall not be recommenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with ENV14 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

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

- a) The construction programme and phasing.

- b) Hours of operation, delivery and storage of plant and materials used in constructing the development.
- c) Details of any highway works necessary to enable construction to take place.
- d) the parking of vehicles of site operatives and visitors.
- e) Details of hoarding.
- f) Management of traffic to reduce congestion.
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours.
- i) Waste management proposals.
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) wheel and underbody washing facilities.
- l) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

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

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

9. 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:

- The viability of an infiltration scheme must be explored first in line with the drainage hierarchy. We require verification of the suitability of infiltration of surface water for this particular development site. This should be based on site specific infiltration tests that have been undertaken within this site planning boundary and in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. This investigation must include exploration of the water table to confirm that the base of the soakaway is at least 1m from the highest average groundwater level. In addition, the density of the chalk must be determined in order to inform the proximity requirement of the soakaway from the building foundations/under croft. Soakaways should be located a minimum of 5m away from any foundations/under croft, but the exact distance

should be determined through ground investigations and agreed with the LLFA.

- Demonstrate that remedial actions (e.g. excavation) have taken place within the made ground, especially within the vicinity of BH06 where contamination was found. Dependent upon the findings of the ground investigation, it may be necessary to line the SuDS features with an impermeable membrane.
- No soakaway pump to be included as part of the drainage scheme onsite. If a pump is shown within the calculations, this must be for modelling purposes only.
- ONLY if AFTER infiltration testing and the relevant explorations have been undertaken and these determine an infiltration scheme to be unfeasible, would discharge to a surface water sewer be acceptable. If this is the case, the discharge rate must be limited to the 1:1 year Greenfield runoff rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated. If a new manhole is to be located outside of the planning boundary permission for this must be evidenced.
- 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. A pollution hazard level of Medium must be used for this site and incorporate a minimum of two stages of treatment. Treatment indices for the oil separator should be provided.
- The locations of the rainwater down pipes should be shown on the drainage plan to ensure the runoff from the roof is being sufficiently treated.
- Exploration of the potential for a green roof for this development.
- Detailed engineering drawings of each component of the drainage scheme, including the oil separator.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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 in accordance with Policy GEN3 of the Uttlesford

District Local Plan (adopted 2005) and the National Planning Policy Framework.

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development in accordance with Policy GEN3 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11.** 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 in accordance with Policy GEN3 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 12.** Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy GEN3 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 13** Prior to the occupation of the development hereby approved, details of the means of enclosure of around the perimeter of the outdoor staff amenity area as shown on drawing ref: GCA-CPL-00-XX-DR-A-0500 P04 shall be submitted and approved by the Council. The screen shall be a minimum of 1.7 metres in height and shall be permanently retained and maintained in that form thereafter for the lifetime of the development.

REASON: In the interest of protecting the amenities of adjoining occupiers in accordance with Policy GEN2 and GEN4 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 14** No display or storage of goods, materials, plant, machinery, or equipment shall take place other than within the building on the site.

REASON: In the interests of protecting the amenity of the surrounding area in accordance with Policy GEN2 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 15** The use hereby permitted shall take place between the hours of 7:30am and 7:00pm Monday to Friday and only between 7:30am to 1:00pm on Saturdays. The use shall not be permitted on Sundays or bank holidays.

REASON: In the interests of amenity in accordance Policy GEN2 and GEN4 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 16** Prior to the commencement of development details of the provisions for the storage and recycling of refuse are to be submitted and approved in writing by the Local Planning Authority. The approved details shall thereafter be made permanently available for the occupants of the building.

REASON: In the interest of protecting the amenity of the area and to ensure appropriate refuse and serving is made available in accordance with Policy GEN1 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 17** Prior to the commencement of the development, a scheme detailing all plant, machinery, chimneys, ducting, filters, or extraction vents to be used in connection with the use have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented prior to the use commencing and be retained thereafter.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance

in accordance with Policies GEN2 and GEN4 of the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 18** Prior to the commencement of the development details of all boundary treatments including fences, gates, or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be retained thereafter.

REASON: To protect the character and the appearance of the street scene and the surrounding locality in accordance with Policy GEN2 the Uttlesford District Local Plan (adopted 2005) and the National Planning Policy Framework.

- 19** Prior to occupation of the development the vehicular accesses shall be widened at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall be agreed in writing with an appropriate technical detail drawing, before the commencement of the works, with the Local Planning Authority in consultation with the Highway Authority and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted and the National Planning Policy Framework.

- 20** Any gates provided at the vehicular access shall be inward opening only.

REASON: To prevent any highway obstruction whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted and the National Planning Policy Framework.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted and the National Planning Policy Framework.

- 22** 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 in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted and the National Planning Policy Framework.



## Appendix 1

### Highway Authority

Your Ref: UTT/23/0990/FUL  
Our Ref: 56364  
Date: 24<sup>th</sup> November 2023



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/23/0990/FUL  
Applicant Mr Steve Wingham  
Site Location 7 Shire Hill Saffron Walden Essex  
Proposal Proposed new light industrial unit with associated car park and servicing area

**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 accesses shall be widened at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall be agreed in writing with an appropriate technical detail drawing, before the commencement of the works, with the Local Planning Authority in consultation with the Highway Authority and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety
2. Any gates provided at the vehicular access shall be inward opening only. **Reason:** To prevent any highway obstruction whilst gates are being opened and closed in the interest of highway safety.
3. 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
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.

**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](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval.



.....  
pp. Director for Highways and Transportation  
Enquiries to Eirini Spyratou  
Email: [eirini.spyratou@essex.gov.uk](mailto:eirini.spyratou@essex.gov.uk)

## Flooding Authority

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



Lindsay Trevillian  
Uttlesford District Council  
Planning Services

Date: 10<sup>th</sup> November 2023  
Our Ref: SUDS-006742  
Your Ref: UTT/23/0990/FUL

Dear Mr Trevillian,

### **Consultation Response –UTT/23/0990/FUL– 7 Shire Hill, Saffron Walden, Essex.**

Thank you for your re-consultation email received on 08/11/2023 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 15<sup>th</sup> April 2015.

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

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

### **Lead Local Flood Authority position**

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

#### **Condition 1**

No works except demolition shall 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:

- The viability of an infiltration scheme must be explored first in line with the drainage hierarchy. We require verification of the suitability of infiltration of surface water for this particular development site. This should be based on site specific infiltration tests that have been undertaken within this sites planning boundary and in accordance with BRE 365 testing procedure and the infiltration testing methods

found in chapter 25.3 of The CIRIA SuDS Manual C753. This investigation must include exploration of the water table to confirm that the base of the soakaway is at least 1m from the highest average groundwater level. In addition, the density of the chalk must be determined in order to inform the proximity requirement of the soakaway from the building foundations/undercroft. Soakaways should be located a minimum of 5m away from any foundations/undercroft, but the exact distance should be determined through ground investigations and agreed with the LLFA.

- Demonstrate that remedial actions (e.g. excavation) have taken place within the made ground, especially within the vicinity of BH06 where contamination was found. Dependent upon the findings of the ground investigation, it may be necessary to line the SuDS features with an impermeable membrane.
- No soakaway pump to be included as part of the drainage scheme onsite. If a pump is shown within the calculations, this must be for modelling purposes only.
- ONLY if AFTER infiltration testing and the relevant explorations have been undertaken and these determine an infiltration scheme to be unfeasible, would discharge to a surface water sewer be acceptable. If this is the case, the discharge rate must be limited to the 1:1 year Greenfield runoff rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated. If a new manhole is to be located outside of the planning boundary permission for this must be evidenced.
- 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. A pollution hazard level of Medium must be used for this site and incorporate a minimum of two stages of treatment. Treatment indices for the oil separator should be provided.
- The locations of the rainwater down pipes should be shown on the drainage plan to ensure the runoff from the roof is being sufficiently treated.
- Exploration of the potential for a green roof for this development.
- Detailed engineering drawings of each component of the drainage scheme, including the oil separator.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

**Reason**

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

**Condition 2**

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

**Reason**

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

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

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

**Condition 3**

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

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

**Reason**

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

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

**Condition 4**

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

**Reason**

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures  
Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk))
- Whilst an infiltration scheme must be explored first, if this was proven unviable and discharge was to a surface water sewer, consent from the relevant authority will be required. The link can be found below.  
<https://www.angliawater.co.uk/developing/drainage-services/sustainable-drainage-systems/>

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.



## Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk).

AW Site Reference:	202516/1/0175705
Local Planning Authority:	Uttlesford District
Site:	7 Shire Hill Saffron Walden Essex
Proposal:	Proposed new light industrial unit with associated car park and servicing area
Planning application:	UTT/23/0990/FUL

**Prepared by:** Pre-Development Team

**Date:** 11 May 2023

### ASSETS

#### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### WASTEWATER SERVICES

#### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Saffron Walden Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Plan, and Flood Risk Assessment. Due to lack of information we are unable to make an informed assessment. A full assessment cannot be made due to lack of information, the applicant has not identified a connection point into the public network. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring an on-site drainage strategy. **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. **INFORMATIVE** - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. **INFORMATIVE** - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. **INFORMATIVE**: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to no strategy being provided. Should a connection to the public sewer be required, your hierarchy evidence must be submitting in writing to the Local Planning Authority, and the discharge rate for your site discharge. We would therefore recommend that the applicant consults with Anglian Water. Further assessment is required to establish whether network reinforcement is required, please note that this assessment and any necessary reinforcement work will be at the developers cost. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process.

### Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

#### Surface Water Disposal (Section 4)

No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.





# Agenda Item 12



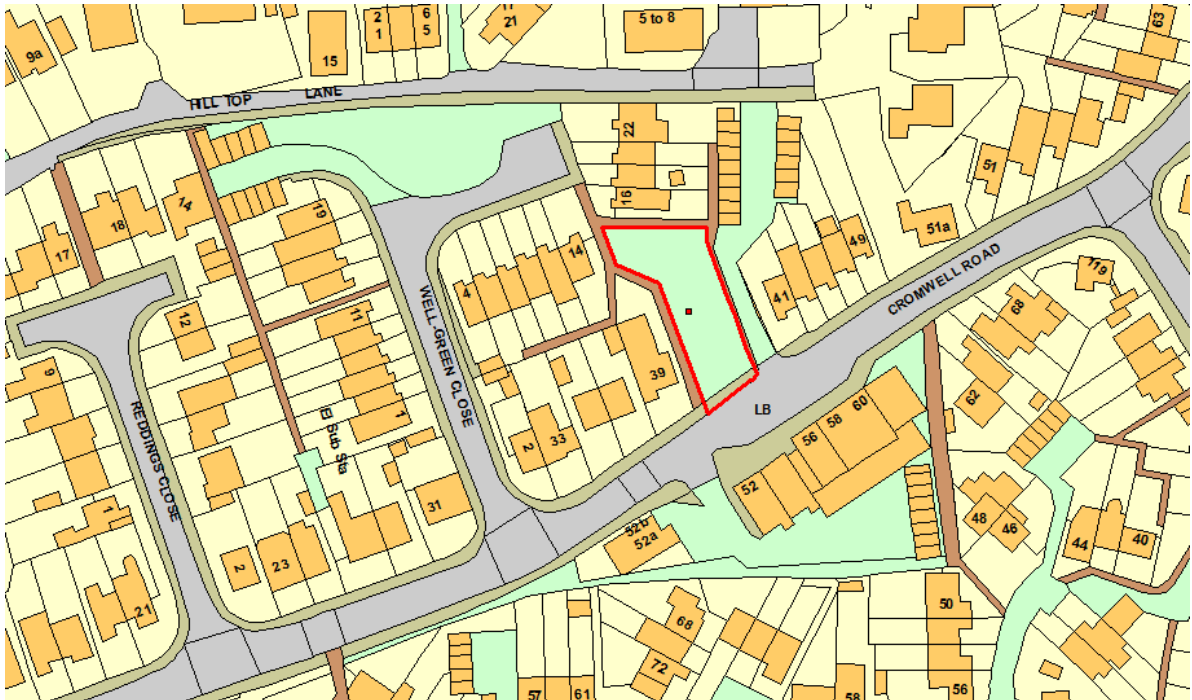
**ITEM NUMBER:** 12

**PLANNING COMMITTEE DATE:** 13 December 2023

**REFERENCE NUMBER:** UTT/23/2119/FUL

**LOCATION:** Land Between 39 And 41  
Cromwell Road  
Saffron Walden

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 21 November 2023

**PROPOSAL:** Erection of 2 no. semi-detached dwellings with associated access, parking and landscaping.

**APPLICANT:** Mr M Hoare

**AGENT:** Mr T Cannon (CANNON Architectural Design Ltd)

**EXPIRY DATE:** 24 October 2023

**EOT EXPIRY DATE:** 18 December 2023

**CASE OFFICER:** Mr Avgerinos Vlachos

**NOTATION:** Within Development Limits.  
Within Groundwater Source Protection Zone 1.  
Within Area A of Debden Radar.

**REASON THIS APPLICATION IS ON THE AGENDA:** Call In

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## **1. EXECUTIVE SUMMARY**

- 1.1** This a full planning application for the erection of 2 no. semi-detached dwellings with associated access, parking and landscaping. The application does not propose any affordable units.
- 1.2** The development site is located within 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) of the NPPF would be in favour of the proposal. The proposed development would not materially harm to the open and rural character and appearance of the area. all other planning consideration would also be acceptable.
- 1.4** It has been concluded that the benefits of the development would significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be approved subject to conditions.

**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, located within development limits in Saffron Walden. The site includes a small bin and a bus stop flag, delineated by a hard surfaced footway to the west and driveway to the east. There are 2-storey residential and commercial properties around the site, including shops and other facilities across the road to the south. The overall area contains a distinct urban character with mixed uses and properties of varying architectural styles, sizes and materials.

**4. PROPOSAL**

4.1 This is a full planning application for the erection of 2 no. semi-detached dwellings with associated access, parking and landscaping. The application does not propose any affordable units.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Artist's illustration
- Design, access, planning and transport statement.

**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/20/0610/PA	2 x 3B Semi/Det houses with garages and off-street parking; 4 x 1B maisonettes with off-street parking and amenity space.	Closed (09.07.2020).
SWB/0026/70	Layout and house types for 124 houses.	Approved with conditions (10.07.1970).

SWB/0027/62	Use for residential development	Approved with conditions (15.06.1962).
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**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** Although no statement of community involvement has been submitted with the application, pre-application discussion (UTT/20/0610/PA) has been held with officers of Uttlesford District Council prior to the submission of this application. The pre-app advice concluded that development on this site would have to be a balanced decision based on the impact of the scheme to the character and appearance of the area.

**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. TOWN COUNCIL COMMENTS**

**9.1** The Town Council commented as follows:

- Committee considered the application at length and noted the land: Appears to be privately owned thus not registered as public open space and no public comments have been made.
- Resolved: **No objections.**

**10. CONSULTEE RESPONSES**

**10.1 UDC Environmental Health**

**10.1.1** No objections subject to conditions.

**10.2 UDC Landscape Officer/Arborist**

**10.2.1** No objections subject to conditions.

**10.3 National Air Traffic Services (NATS)**

**10.3.1** No objections unconditionally.

**11. REPRESENTATIONS**

**11.1** Notification letters were sent to nearby properties. Representations have been received.

**11.2 Support**

**11.2.1** No comments have been received in support of the application.

**11.3 Object**

- 11.3.1**
- Loss of light and overshadowing.
  - 2-storey dwellings with 2-storey projections to the rear.
  - Neighbouring dwellings have single storey rear elements.
  - Proximity to neighbouring gardens.
  - Loss of privacy and overlooking.
  - Nos. 39 and 41 Cromwell Road have no side facing windows.
  - Balcony to front – no need for Juliet balconies to the rear.
  - Inappropriate materials.
  - Harm to the character and appearance of the area.
  - Turning area to the nearby garages will be compromised.
  - Concerns over bin collection capacity.
  - Compromise in highway safety.
  - Security concerns due to tall fences.
  - More anti-social behaviour.
  - Well used paths and green by the public.
  - Concerns over manholes on the site.
  - Bus stop should not be relocated far away.
  - Loss of green / public open space.
  - Over-development of site.
  - Site too small for 2 no. 3-bed houses.
  - Stepped position of proposed dwellings.
  - Revisions necessary.
  - Bungalow more suited development for this site.
  - Increase of on-street parking due to the loss of on-street parking.
  - Traffic increase.
  - Disabled access through the green should be preserved.
  - Dog waste bin widely used / should not be removed.
  - Potential damages from construction traffic.

**11.4 Comment**

**11.4.1** All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues and issues around the deliverability of a planning permission are civil matters beyond planning.

**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)**

<b>13.2.1</b>	S1	Settlement Boundaries for the Main Urban Areas
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV8	Other Landscape Elements of Importance for Nature Conservation



ENV10	Noise Sensitive Development and Disturbance from Aircraft
ENV11	Noise generators
ENV12	Groundwater Protection
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land
H3	Infilling with New Houses
SW2	Residential Development within Saffron Walden's Built-Up Area

### 13.3 Saffron Walden Neighbourhood Plan

13.3.1 The Neighbourhood Plan was 'made' on 11 October 2022.

13.3.2	SW1	Housing Mix on New Developments
	SW3	Design
	SW4	Parking on New Developments
	SW12	Promoting Walking and Cycling

### 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 Planning Policy (2021)

## 14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Principle of development
  - B) Character and appearance / Climate change / Housing mix
  - C) Residential amenity
  - D) Access and parking
  - E) Ecology
  - F) Contamination
  - G) Archaeology
  - H) Flood risk and drainage
  - I) Other matters
  - J) Planning balance

### 14.3 A) Principle of development

#### 14.3.1 Housing land supply:

The site is located within development limits. The local planning authority (LPA) published in October 2023 a 5-Year Housing Land Supply (5YHLS)

figure of **5.14 years**<sup>1</sup>; 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** Location – Isolation, services and facilities:

Recent case law<sup>2</sup> 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 part of Saffron Walden. Paragraph 80 of the NPPF is not applicable.

**14.3.3** Saffron Walden offers a wide range of services and facilities, being one of the most sustainable towns in the district, including schools, medical surgeries, supermarkets and a vast range of commercial and professional premises and services. The nearest serviced bus stop is located to the front of the site and the nearest supermarket (Nisa Local) is opposite the application site. The nearest school (Katherine Semar Junior School – 5' walk) is 350m from the site and the nearest medical surgery (Gold Street surgery – 22' walk) is 1.7km away. There are pedestrian footpaths, lit, continuous and maintained, that link the application site to the bus stops and the above services and facilities.

**14.3.4** The occupants of the proposed dwellings would be able to safely access sustainable public transport of a satisfactory frequency, and a plethora of services and facilities within walking distances. Many movements to and from the site would be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development. Therefore, the sustainability credentials of the location are eminent and the development complies with paragraphs 104(c), 110(a) of the NPPF, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and policy GEN1(e) of the Local Plan.

**14.3.5** Conclusion:

The principle of the development is acceptable and complies with policies S1, SW2 and GEN1(e) of the Local Plan, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and the NPPF. However, the development's acceptance would be subject to additional material considerations, such as the impact of the proposal on character and appearance (see Section B).

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<sup>1</sup> 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).

<sup>2</sup> Braintree DC v SSCLG [2018] EWCA Civ. 610.

## 14.4 B) Character and appearance / Climate change / Housing mix

### 14.4.1 Character and appearance (open space, pattern, landscape):

Policy S1 of the Local Plan states that development will be permitted within the development limits and within the existing built-up areas if compatible with the character of the settlement. Policy SW2 of the Local Plan also states that the development of sites brought forward with the Local Plan will be supplemented by other sites, within the development limit, which will be generally small in scale and not specifically identified on the Proposals Map.

14.4.2 Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. The rest of the provisions in paragraph 93 of the NPPF do not apply on this occasion, as they do not refer to open space.

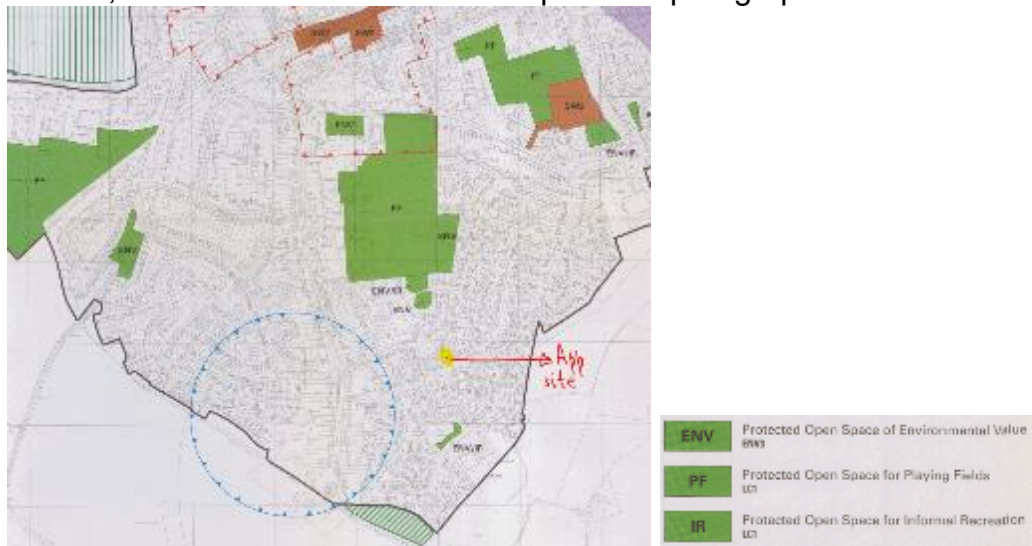
14.4.3 In addition, paragraph 99 of the NPPF states amongst others that existing open space should not be built on unless: (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

14.4.4 Elected representatives and neighbouring parties raised concerns over the potential loss of the land as a public open space. Following thorough review of the available information and planning records, these comments and objections are afforded limited weight as the application site is **not** designated public open space, as it is not included in the public open spaces protected by the provisions of the Local Plan or the Saffron Walden Neighbourhood Plan. Also, there are no restrictions by way of condition or planning obligations in the original planning permission under which the housing estate was built (SWB/0026/70 and SWB/0027/62) nor any indications on the approved drawings or elsewhere that the site was to be used as public open space when the above permissions were granted.

14.4.5 Notwithstanding the above, this is not to say that the site has no value for the local character. After all, 'open space' is defined in the NPPF glossary as "*all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*". The application site, by reason of its open and verdant

appearance, would positively contribute to the character and appearance of the area. However, this positive contribution would be **limited** due to the small size of the site<sup>3</sup>, the existence of other similar informal open spaces in the vicinity, as well as the proximity of the site to designated open spaces in Saffron Walden.

**14.4.6** The protected open spaces are shown in green in the map below<sup>4</sup>. A similar informal open space is located to the north-west of the application site in Well Green Close. The nearest protected open space (Greenways – 5’ walk) is 350m to the north of the application site. Therefore, the application site is **not** part of the protected open spaces’ network, and as such, policies LC1 and ENV3 of the Local Plan and policy SW17 of the Saffron Walden Neighbourhood Plan are **not** applicable. In addition, the conflict of the proposed development with paragraphs 93(a) and 99 of the NPPF would be afforded limited weight given the limited amenity value of the site, for the reasons set out in the previous paragraph.



**14.4.7** Paragraph 102 of the NPPF states that the Local Green Space designation should only be used where the green space is (a) in reasonably close proximity to the community it serves; (b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and (c) local in character and is not an extensive tract of land. Although the Uttlesford Local Plan was adopted in 2005 and precedes the NPPF, the Saffron Walden Neighbourhood Plan was ‘made’ on 11 October 2022, and as such, the NPPF test of paragraph 102 would have been applied before designating protected open spaces; the Saffron Walden Neighbourhood Plan did not conclude that the application site would meet that test. This is further indication of the limited contribution of the land to the character and appearance of the area.

<sup>3</sup> The small size of the site would limit the opportunities for sport and recreation which is referenced in the ‘open space’ definition within the NPPF glossary.

<sup>4</sup> This Map and legend are extracts from the Uttlesford Local Plan (2005).

- 14.4.8** The local character contains a distinct urban feel without any views to the countryside, and therefore there would be no harm to the wider landscape or the countryside setting of Saffron Walden. The Landscape officer raised **no objections** subject to a landscaping condition for the details of boundary treatments to be secured. The proposal would introduce built form within development limits in an urban environment, and as such, any urbanising effects<sup>5</sup> would be minimal.
- 14.4.9** Notwithstanding the concerns raised by neighbouring occupiers that were carefully considered, the proposed materials would include red facing brickwork and timber cladding that would be conditioned for clarity purposes. The property opposite (no. 52A Cromwell Road) has horizontal timber weatherboarding at first-floor level, and as such, this external finish would be in keeping with the local character. In any case, a uniform design and materials would not complement the character and appearance of the area that has been designed to the poor urban aesthetics of the 1960s and 1970s. The combination of materials, the proposed fenestration and the jetty on the front elevation of unit 1 would visually upgrade the appearance of the area by breaking up the aesthetic monotony of the existing built form on this side of Cromwell Road. The proposal would not affect the setting and significance of any heritage assets.
- 14.4.10** Following revisions to address residential amenity issues (see Section C), the development would function well and add to the overall quality of the area over its lifetime, would be visually attractive as a result of good architecture and sympathetic to local character, including the surrounding built environment, in compliance with paragraph 130 of the NPPF, policy GEN2 of the Local Plan, and policy SW3(1) of the Saffron Walden Neighbourhood Plan. The scale, form and layout of the proposed units would be compatible with the surrounding buildings, in accordance with policy GEN2 of the Local Plan. Although the rear projections would be 2-storey in height, they have been scaled back in the latest revisions and the footprint of each unit would be comparable to the nearby dwellings and integrate well with the existing neighbourhood, in compliance with policy SW3(4) of the Saffron Walden Neighbourhood Plan.
- 14.4.11** Although some close boarded fencing would be required (and secured via a landscaping condition) to safeguard residential amenities (see Section C), its presence would be limited to the back of the properties, minimising any detrimental effects to the appearance of the area.
- 14.4.12** Notwithstanding any comments indicating otherwise, the proposal would not amount to over-development of the site, as there would be appropriate spacing between the dwellings and their boundaries, as well as amenity spaces (see Section C). Even if permitted development rights would be exercised, the proposed dwellings would still retain appropriate gardens,

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<sup>5</sup> 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..

and as such, permitted development rights should not be withdrawn for outbuildings or extensions.

**14.4.13** The proposal would be an infill opportunity as it would continue the linear built-up pattern on the northern side of the highway between nos. 39 and 41 Cromwell Road. The development would comply with policy SW3(5)(b)-(c) of the Saffron Walden Neighbourhood Plan, and policy H3(b)-(f) of the Local Plan, which allows infilling with new houses within development limits in Saffron Walden if the development would be compatible with the character of the settlement. Policy H3(a) of the Local Plan includes an additional test for windfall sites<sup>6</sup> that requires them to be previously developed land and to which the proposal would not comply with. However, this part of the policy would conflict with paragraph 69(c) of the NPPF, which requires LPAs to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

**14.4.14** Considering the above, as the proposal was found to be compatible with the character and appearance of the area and settlement, the proposed development would comply with policies S1, SW2, GEN2 and H3 of the Local Plan, SW3(1), SW3(4) and SW3(5)(b)-(c) of the Saffron Walden Neighbourhood Plan, and the NPPF.

**14.4.15** 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. Paragraph 125 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances: (c) LPAs should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the NPPF.

**14.4.16** The proposal would provide a more effective use of urban land, which would be sympathetic to the local pattern of development and preserve the character and appearance of the area. The proposed housing density would be 36.9 dwellings per hectare, which is appropriate for the town. The proposal would comply with paragraphs 119, 120(d) and 125 of the NPPF.

**14.4.17** Climate change:

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<sup>6</sup> Windfall sites are not specified in the Uttlesford Local Plan (2005) but are defined in the NPPF (2023) glossary as “*Sites not specifically identified in the development plan*”.

The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. 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. 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.

**14.4.18** Housing mix:

Policy H10 of the Local Plan is applicable on sites of 0.1ha and above or of 3 no. or more dwellings, and as such, it is not relevant on this occasion. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Policy SW1 of the Saffron Walden Neighbourhood Plan requires from all residential developments a mix of sizes which reflects local needs but also provides for balanced and vibrant neighbourhoods. The specific mix should be based on up-to-date local evidence of need and take account of local circumstances and the nature of the surrounding area. As such, 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%

**14.4.19** However, this evidence has not yet been formally accepted by the LPA and holds limited weight. In any case, the proposed 3-bedroom houses would reflect the demand shown in the most recent data, in compliance with policy SW1 of the Saffron Walden Neighbourhood Plan.

**14.5 C) Residential amenity**

**14.5.1** The proposed units would be 2-storey with an occupancy of 3B5P<sup>7</sup> and gross internal areas (GIA) that would exceed the minimum GIA threshold<sup>8</sup> (93 sqm).

**14.5.2** In terms of amenity (garden) space, following revisions, the proposed dwellings would have gardens 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.

<sup>7</sup> 3B5P = 3 Bedrooms - 5 Persons.

<sup>8</sup> Technical Housing Standards – Nationally Described Space Standard (NDSS).

**14.5.3** In terms of noise, odours, vibrations, dust, light pollution and other disturbances, the Environmental Health officer raised **no objections** unconditionally in the interests of residential amenity (see also Section F).

**14.5.4** Notwithstanding the concerns raised by neighbouring occupiers, 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:

- Potential overlooking and loss of privacy:

Third parties have raised well-founded concerns about the development's impact on their privacy and this has been carefully assessed and followed by the submission of revisions to address these issues. Consequently, there is no material overlooking of, and loss of privacy to, any habitable room windows or private gardens that would harm the residential amenity of the immediate neighbouring occupiers in nos. 39 and 41 Cromwell Road and nos. 14 and 16 Well Green Close or any other properties:

- The 25m guidance of the Essex Design Guide would **only** apply to back-to-back cases. The proposed dwellings would be 14.9m at the closest point of unit 2 to the boundary with no. 16 Well Green Close and 22.4m at the closest point of unit 1 to the same neighbouring boundary to the north. The views towards the private gardens of nos. 16 and 14 Well Green Close would also be angled. Therefore, the proposal would not compromise the privacy enjoyed by the occupants of nos. 14 and 16 Well Green Close.
- The **revisions** omitted the side facing windows of both units (bedroom 3) that would otherwise directly overlook from vantage positions the private gardens immediately outside nos. 39 and 41 Cromwell Road. This would compromise the privacy enjoyed by those neighbours to the detriment of their residential amenity. The revisions scaled down the units (from a total footprint of 137.5 sqm to 122.5 sqm) and those side facing windows at first-floor level, which was accommodated through internal alterations to ensure compliance with Building Regulations. The proposed rooflights would ensure appropriate natural light into these bedrooms. Therefore, the proposal would not compromise the privacy enjoyed by the occupants of nos. 39 and 41 Cromwell Road.
- The revisions have also omitted the front balconies that would assist in reducing any perception of overlooking by the neighbouring occupiers above the shops on the other side of Cromwell Road.

- Potential overshadowing and loss of light:

After thorough review of the concerns raised by neighbours, which was followed by revised drawings to scale back the rear projecting gables of the units, the 45-degree tests show that the proposed dwellings would not materially overshadow any private gardens or habitable room windows of the neighbouring properties or between them.

- Potential overbearing effects:

Notwithstanding the concerns raised by neighbours, given the gaps in relation to the site and neighbouring boundaries and the single storey



height of the rear projections of those neighbouring properties, no overbearing impacts ('tunnelling effect' or 'sense of enclosure') would occur that would materially harm the residential amenity of the neighbouring occupiers.

## **14.6 D) Access and parking**

**14.6.1** Notwithstanding the concerns of third parties and following revisions to ensure separate dropped kerb crossings for the units and a full height kerb between the new accesses, as well as revisions to show the continuous footway and the relocated bus stop flag, from a highway and transportation perspective, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord with the adopted Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF. The conditions refer to the dimensions of the access, the surface treatment of the access, the provision of parking, and the relocation of the bus stop flag and new bus stop markings.

**14.6.2** Nearby residents, including a wheelchair user, have raised concerns for the loss of the existing footways that cross through the application site. However, the development would retain the existing hard surfaced footway to the west of the application site, which exceeds 2m in width. This would allow for all users to be able to access the shops and services provided across the road without exceptions. Some residents have also raised concerns over the safety of this footway due to its darker condition from the use of fencing for the proposed private gardens. However, this could be resolved through a condition for a lighting scheme. The development would comply with policy SW12 of the Saffron Walden Neighbourhood Plan.

**14.6.3** Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. The parking arrangements would include 2 no. parking spaces (5.5m x 2.5m) for each unit. Although these dimensions would not be the preferred ones (i.e. 5.5m x 2.9m), they would comply with the minimum bay sizes (i.e. 5m x 2.5m) used in exceptional circumstances due to the sustainable location and the bus stop immediately outside of the site. The development would meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), policy GEN8 of the Local Plan, and policy SW4 of the Saffron Walden Neighbourhood Plan. Appropriate cycle parking would also be provided within covered cycle sheds.

## **14.7 E) Ecology**

**14.7.1** The biodiversity questionnaire submitted with the application and the urban location and limited size of the site would not justify consultation with the Ecology officer, as the proposal would not harm any protected and priority species or 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. The conditions refer to potential land contamination and the provision of electric car chargers per unit as promoted by paragraph 107 of the NPPF. Electric vehicle charging points are also required by policy SW4(3) of the Saffron Walden Neighbourhood Plan.

## **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 paragraph 192(b) of 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) would not apply as the development does not involve a site of 1 hectare or more nor 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) Other matters**

**14.11.1** The National Air Traffic Services (NATS) consultee raised **no objections** unconditionally.

#### **14.12 J) Planning balance**

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

- Provision of 2 no. units to the 5YHLS – limited weight.
- Economic benefits – limited weight.
- Sustainable energy/water efficiency measures – limited weight.

**14.12.2** Although the planning balance under paragraph 11(d) of the NPPF is still engaged due to the Local Plan not being fully up to date, the net contribution of 2 no. units 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.

**14.12.3** The proposal would provide a modest contribution towards the wider local economy during and post construction. However, the limited number of units proposed means that the public benefit would also be limited to its extent.

**14.12.4** The proposal would also be able to offer energy/water efficiency measures (e.g. air source heat pumps, electric car chargers, etc.); this matter would only attract limited weight given the limited scale of the development.

**14.12.5** On the other hand, the adverse impacts of the proposed development include:

- Loss of informal open and green space – limited weight.

**14.12.6** The analysis in Section B above showed that the positive contribution of the application site to the character and appearance of the area would be limited due to the small size of the site, the existence of other similar informal open spaces in the vicinity, as well as its proximity to designated open spaces in Saffron Walden within walking distances. The limited

amenity value of the site would afford the conflict with paragraphs 93(a) and 99 of the NPPF limited weight in decision-making.

**14.12.7** 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 **not** significantly and demonstrably outweigh the benefits. The proposal would 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 **not** significantly and demonstrably outweigh the benefits.

**16.2** The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

**16.3** It is therefore recommended that the application be approved subject to conditions.

**17. CONDITIONS**

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

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

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

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

**3** Prior to commencement of the development hereby approved, a scheme for the relocation of the bus stop flag and installation of bus stop clearway markings shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within three (3) months of the commencement of the development hereby approved, ensuring no disruption to the bus service provided on the bus stop.

REASON: In the interests of accessibility and sustainable transport, 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).

**4** Prior to any works above slab level, 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 S1, GEN2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 5** Prior to any works above slab level, details of all hard and soft landscaping 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 S1, GEN2, GEN4, 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 (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 7** Prior to occupation of the development hereby approved, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall be 4.5 metres and shall be provided with an appropriate

dropped kerb vehicular crossing of the footway, as shown in the approved drawing (reference number 249 – 01 Rev A second version). 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 vehicles can enter and leave the highway in a controlled manner in the interest 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).

- 8** 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).

- 9** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for each dwelling. Thereafter, the charging points shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, appropriate drawings to detail the proposed cycle sheds shall be submitted to and approved in writing by the local planning authority. Thereafter, the cycle sheds shall be implemented in accordance with the approved drawings.

REASON: To improve air quality and support sustainable means of transport, 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** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the

development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (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** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

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

REASON: To preserve the character and appearance of the area and to safeguard appropriate levels of amenity spaces, in accordance with the adopted Uttlesford Local Plan Policy GEN2, and the National Planning Policy Framework (2023).



## APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/23/2119/FUL  
Our Ref: 57323  
Date: 20<sup>th</sup> 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/23/2119/FUL  
Applicant Matthew Hoare  
Site Location Land Between 39 And 41 Cromwell Road Saffron Walden Essex  
Proposal Erection of 2 no. semi-detached dwellings with associated access, parking and landscaping.

**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 accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall be 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway, as shown in principle on DWG 249 – 01 Rev A (second version). **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 area indicated on the approved plans, has been provided. The vehicle parking 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
4. Prior to commencement of the works, a scheme to be agreed with Development Management department – Essex Highways, for the relocation of the bus stop flag and installation of bus stop clearway markings, to be approved by the local planning authority. **Reason:** In the interests of accessibility and sustainable transport.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.



.....  
pp. Director for Highways and Transportation  
Enquiries to Eirini Spyratou  
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**Late List –Planning Committee 13.12.23**

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

**Statutory consultees are listed below:**

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

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

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

Item Number	Application reference number	Comment
6	<p>UTT/23/2616/PINS</p> <p>Land To The North Of Eldridge Close Clavering</p>	<p><b>Clavering Parish Council OBJECTS</b> to the above planning application as it</p> <p>FAILS the Uttlesford District Council (UDC) Local Plan (2005) policies  S7 Protection of Countryside  ENV5 Protection of Agricultural Land  GEN1 Access  GEN2 Design  GEN 7 Nature</p> <p>UDC's Local Plan (2005) is saved as currently the district has a 5.14 Year Housing Land Supply (YHLS).  UDC is at Regulation 18 stage of its new Draft Local Plan being written to 2041.  It is acknowledge that the current saved plan may not entirely reflect the National Planning Policy Framework.</p> <p>Clavering Parish Council OBJECTS to the planning application as it is CONTRARY to the National Planning Policy Framework</p> <p>It FAILS all three tests of sustainability – economic, environmental and social.  Is contrary to: Para. 8 c Natural Environment  Para 85 Impact on local roads  Para 104 and 111 Highway Safety  Para 126 Effective Community Engagement  Para 130 a Adding to the quality of the area  Para 130 c Local character ...and landscape setting  Para 174 b Countryside  Para 185 c Artificial light</p> <p>It must be remembered at all times that the existing development Eldridge Close, over which this development gains access and to which the proposed application repeatedly refers, was a brownfield site having been small light industrial/agricultural units.</p>

		<p>This planning application is for a site which is open countryside and Grade 2 Agricultural land, ie excellent quality with high yields.</p> <p>Further this site is NOT infilling, it is backland development as the site plans themselves clearly indicate. Clavering Parish Council now demonstrates the reasons for the application failing and being contrary.</p> <p>There has been no Public Consultation with the Village of Clavering for this proposal comprising up to 28 dwellings, either by survey, public exhibition, or leaflet drop.</p> <p>The applicant has not written to the Parish Council to ask to attend the public participation section of its monthly meetings to inform parishioners of the proposal.</p> <p>There was a previous proposal that was consulted on and which was later turned down at Appeal. There was a later proposal for 32 houses which was refused by UDC and which was lodged 17th October 2023 with the Inspectorate for appeal (APP/C1570/W/23/3331461, UTT/22/1578/OP) Though there was a pandemic, the village has seen Public Consultations take place in its Village Hall since March 2020, and developers be invited to the Council meetings.</p> <p>The Council consider that this is a great failure, of what is required of them, by the applicant.</p> <p>This site is recognised as sitting in the Langley Chalk Uplands Landscape Character Assessment and which is acknowledged to have a high sensitivity to change. 28 dwellings placed at this site will detract from the nature and existing character of the countryside for the Village of Clavering and will not recognise its intrinsic beauty and character. The proposed screening would be considered inadequate; it would also mean that the development will be highly visible in the countryside when viewed from footpaths and especially when trees are not in leaf. This proposed development remains a significant impact on the countryside. As the field is currently under plough, the suggestion for wildflower areas to give a biodiversity positivity would not be viable as the land is fertile land (not a requirement for wildflowers).</p> <p>There is a proposed water garden and village pond and though this is not spring-fed as are all other known village ponds which are natural, nor does it appear to connect to the village's water courses.</p>
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		<p>In the previously dismissed appeal for 9 houses at the proposed site (APP/C1570/W/21/3267624) the Inspector clearly stated, referencing paragraph 174(b) of the NPPF: 'This proposal would detract from the setting of this settlement and the character of the countryside. This would be the case for any scheme which extended across the full extent of this field.'</p> <p>The access to the site is via an un-adopted road and there is a plan to have a 'pinchpoint,' which indicates traffic build up for the vehicles on the proposed site. It is also unclear from the submissions as to whether some cars will cross the pavements in order to reach the inner access road of the proposed site from their dwellings.</p> <p>Concern is raised as 28 more dwellings will be accessing Eldridge Close which is currently built to the standard to take vehicles from 24 dwellings only.</p> <p>It is also known that 28 new dwellings in a rural area are recognised to generate at least 112 vehicle crossings per day at the access point to the main highway system.</p> <p>There is an existing inadequacy of provision for pedestrian footpaths on Eldridge Close, which are narrow, yet per this application the pavements are expected to take pedestrians from a total of 56 dwellings.</p> <p>The planned access creates issues for pedestrian safety both on the proposed development and Eldridge Close.</p> <p>It has been stated that there will be street lighting on the site to improve pedestrian safety. Clavering has only one area (ex Council housing with bungalows for the elderly) where there is some form of street lighting, though this is not all through the night; there is no other street lighting in the village as this would obviously have a negative impact on the wildlife of Clavering – which is obviously in a very rural setting.</p> <p>It is noted that no swept path analyses have been shown in this application. As UDC has larger than the usual refuse collection trucks, this must be demonstrated for an all matters except access application.</p> <p>There are many infrastructure requirements which are not met in this application.</p>
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	<p>The chalk streams in this area are already drying up and nearby Newport is already taking water allocated to nearby Wicken.</p> <p>There is inadequate explanation of how sewerage will reach the pipes to be processed by Thames Water as currently the pipework used at Eldridge Close necessitates a pump which is maintained by the resident's management group of Eldridge Close.</p> <p>Contrary to the statements made in the application's Transport Statement, there are no bus services in Clavering, other than the two school bus services in term-time only which run one return journey to Saffron Walden and Bishops Stortford – outward in the morning and inward in the afternoon. There is NO connectivity for these school services with the rail station at Newport nor Audley End. Further, these buses are for school children use only.</p> <p>Though Essex County Council designates the position of safe bus-stops on the highway, a desk-top exercise shows that in Clavering there is no regular bus service. The inaccurate use of a desk-top survey, rather than site and village visits, shows an inadequacy in the Transport Statement. Whilst it may be possible to cycle to the rail stations, there are no safe cycle paths to either station and narrow winding lanes must be used. One route (via Hobbs Aerie (Arkesden) to Audley End) has already seen a cyclist killed in October 2020, with no fault apportioned to the car-driver nor cyclist.</p> <p>Regarding the three strains of Sustainability, this application fails as follows:</p> <p><b>Economic Role</b> There is no long term contribution to the economy of Clavering as the application does not provide places of employment. Though it may be that the site could be developed by local contractors there is no guarantee of this.</p> <p>The applicant makes a statement that the development would support the viability of public transport in Clavering – but if none exists, how would it do that? It should be noted that a recent Essex Passenger Transport Review for Uttlesford does not introduce any service to Clavering.</p> <p><b>Environmental Role</b> The proposed development has a significant impact on the countryside as detailed above and also does not introduce true, positive biodiversity.</p>
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		<p>The application documents show urban street scenes of housing which are contrary to the existing street scenes of rural Clavering.</p> <p>See also comment below regarding car use.</p> <p><b>Social Role</b>  Clavering was the RCCE Essex Village of the Year in 2014 and its vibrancy was cited. Throughout the Covid-19 pandemic the community worked together in many ways supporting other community members; its Platinum Jubilee Celebrations were coordinated by parishioners – not with just the Parish Council at the helm.</p> <p>There are thriving groups from Beavers and Cubs through Cricket and Bowls teams to a Drama Group, which has received awards from the National Operatic &amp; Dramatic Association and whose village Christmas panto this year has some 50 participants, and a History Group, which carried out its own local archaeological dig in 2021 with one potentially to take place in 2025. This is clear evidence that there is no need to introduce housing to revitalise the village – which the Localism Act 2011 wished to do.</p> <p>It should also be noted that the centres of social activity, including the school, village shop and church are at greater distances from the proposed development than the 800m considered acceptable.</p> <p>The pedestrian route to these has already been deemed unsafe by a previous Planning Inspector when considering a site for development near this current application.  See APP/C1570/A/12/2184181 Paragraph 16. UTT/0507/12/OP (UDC then had a 4.1 YHLS)  ‘Most of the facilities are at the other, southern end of the village.</p> <p>At a fairly brisk walking pace, it takes about 20 minutes to reach the Primary School and probably another couple of minutes to enter the building. It takes about 24 minutes to walk to the supermarket/postoffice, and no doubt longer if accompanied by a child, buggy and a bag full of shopping on the way back. (...)</p> <p>The footpath is, however, narrow in places, and (...) (the) comment that you never see parents walking through this section through the middle of the village is unsurprising. Thus the appeal site is not well located with regard to convenient access to the limited range and distribution of facilities towards the</p>
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		<p>far end of the village. These circumstances would inevitably result in a greater use of private transport and a significant increase in traffic along village roads, ill-suited to accommodate it in terms of physical and environmental capacity.'</p> <p>It should be noted that children from the Eldridge Close development (the brownfield development) must be bussed by ECC to Clavering Primary School due to the unsafe pavement route. There have been no alterations to the road nor pavement since that finding so from a social, as well as environmental, thread this is not acceptable as car use would be required.</p> <p>It should also be noted that there are no healthcare facilities in Clavering; the nearest doctor's surgery is 3 miles away in Newport along routes which have no pavements, whilst the dental surgeries are 6 miles away in Saffron Walden along similar routes. There is no public transport to these.</p> <p>Clavering Parish Council draws the Inspector's attention to the fact there is no local healthcare provision in the Draft Section 106 Agreement.</p> <p>It may be considered that as UDC's Saved Local Plan is out of date, this application must be considered under the NPPF and so the tilt of the balance of harm will be employed. If this is so, it has been demonstrated above that the build fails all three strains of sustainability – so should not be permitted – even before the evidence of it causing harm to the countryside, its agriculture and its landscape, urbanisation, natural environment.</p> <p>Clavering Parish Council (CPC) believes that the provision of housing is not outweighed by the damage caused to the countryside. CPC pays heed to the opinion of the Inspector at another appeal in Clavering that 'Clavering is sustainable for certain locations' and this site is not such a location.</p> <p>Accordingly it is respectfully requested that this application should be REFUSED</p>
7	UTT/23/2682/PINS  Land At Warish Hall Farm North Of Jacks Lane	TBC

	Smiths Green Lane Takeley	
8	UTT/22/1261/FUL  Land To The West Of Mill Lane Hatfield Heath	TBC
9	UTT/23/0062/DFO  Land East Of Parsonage Road Takeley	TBC
10	UTT/23/2555/FUL  Land Behind The Old Cement Works Thaxted Road Saffron Walden	TBC
11	UTT/23/0990/FUL  7 Shire Hill Saffron Walden	TBC
12	UTT/23/2119/FUL  Land Between 39 And 41 Cromwell Road	Paragraph 14.6.2 of the officer's report should be replaced as follows: Nearby residents, including a wheelchair user, have raised concerns for the loss of the existing footways that cross through the application site. However, the development would retain the existing hard surfaced footway to the west of the application site, which exceeds 2m in width. This would allow all users to be able to access the shops and services provided across the road without

	Saffron Walden	<p>exceptions. Some residents have also raised concerns over the safety of this footway due to its darker condition from the use of fencing for the proposed private gardens. However, it would not be the applicant's responsibility to provide lighting features for the public realm and the landscaping condition can ensure that the necessary fencing would not be overly high. The development would comply with policy SW12 of the Saffron Walden Neighbourhood Plan.</p>
		<p>The following comments have been received by third parties in addition to the ones references in paragraph 11.3.1 of the officer's report:</p> <ul style="list-style-type: none"> <li>• Object: <ul style="list-style-type: none"> <li>○ Brick construction to match surrounding properties would be necessary.</li> <li>○ Access restrictions – loading and turning areas.</li> <li>○ Restrictions on bin collections.</li> <li>○ Compromise in pedestrian safety.</li> <li>○ Creation of dark footways for pedestrians due to tall fences.</li> <li>○ Streetlight blocked by the proposed houses.</li> <li>○ Smaller driveways.</li> <li>○ Houses closer to the road.</li> <li>○ Built form should not be any further back than the adjoining properties' first floors.</li> <li>○ First floor rear Juliets should be replaced by small, obscure-glazed windows.</li> <li>○ Side windows should be preferred as neighbouring properties have no side windows.</li> <li>○ Green space maintained at public expense by the council.</li> <li>○ Municipal space.</li> <li>○ Used by many, including children.</li> <li>○ Safety and security fears.</li> <li>○ Additional parking pressures in the area.</li> <li>○ More difficult and painful for disabled individuals to use the footways.</li> <li>○ Concerns over first-floor balconies.</li> <li>○ Impact on gardens due to the loss of light.</li> <li>○ Cover for break-ins.</li> <li>○ Much needed green space – lack of green spaces in the area.</li> <li>○ Property opposite with cladding does not fit in with the rest of the area.</li> <li>○ Drainage concerns.</li> <li>○ Busy road.</li> <li>○ Revised do not resolve all objections previously raised.</li> <li>○ Revised internal layouts slightly better.</li> <li>○ Revised plans show one property stepped further back from neighbouring gardens.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ The length of the first floor rear elements in the revisions goes back double the distance to all neighbouring properties.</li> <li>○ Concerns over the need for these properties to be stepped at the back.</li> <li>○ Revisions do not remove full-length double doors and double window.</li> <li>○ Rear elevation should include bathrooms with frosted glass.</li> <li>○ Revisions should include 2-bed houses or the third bedroom at ground floor.</li> <li>○ ECC Highways need to put no parking signage/road markings.</li> <li>○ Committee should visit the site.</li> <li>○ Original objections before the revisions still stand.</li> </ul>

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.