



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 10th January, 2024

**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 - 15

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

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 17 - 19

To note the Quality of Major Applications Report.
- 5 S62A Applications Report** 20 - 22

To note the S62A Applications Report.
- 6 UTT/23/2622/PINS - Land South of (West of Robin Hood Road)  
Rush Lane, ELSENHAM** 23 - 39

To consider making observations to the Planning Inspectorate in respect of UTT/23/2622/PINS.
- 7 UTT/23/2810/PINS - Land to West of Chelmsford Road,  
Hartford End, FELSTED** 40 - 61

To consider making observations to the Planning Inspectorate in respect of UTT/23/2810/PINS.
- 8 UTT/22/2997/OP - Land Between Walden Road & Newmarket  
Road, GREAT CHESTERFORD** 62 - 194

To consider application UTT/22/2997/OP.
- 9 UTT/23/1439/FUL - Land East of the Stag Inn, Duck Lane,  
LITTLE EASTON** 195 - 223

To consider application UTT/23/1439/FUL.

- 10 UTT/23/1853/FUL - Former Friends school, Mount Pleasant Road, SAFFRON WALDEN 224 - 247**

To consider application UTT/23/1853/FUL.

- 11 UTT/23/1046/FUL - Land South of Radwinter Road, SAFFRON WALDEN 248 - 261**

To consider application UTT/23/1046/FUL.

- 12 UTT/23/2575/FUL - Cricket Willow Field, Sparrows End, London Road, NEWPORT 262 - 303**

To consider application UTT/23/2575/FUL.

- 13 UTT/22/1203/FUL - Land Off Pelham Road, BERDEN 304 - 348**

To consider application UTT/22/1203/FUL.

- 14 UTT/23/0707/FUL - South of Deynes Road, DEBDEN 349 - 376**

To consider application UTT/23/0707/FUL.

- 15 Late List 377 - 414**

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

This is a public document, and it is published with the agenda papers on the UDC website.

## **Meetings And The Public**

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

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

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

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

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

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

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# Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 13 DECEMBER 2023 at 10.00 am**

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

Officers in attendance: R Beale (Senior Planning Officer), N Brown (Head of Development Management and Enforcement), J Lyall (Locum Planning Lawyer), M Sawyers (Planning Officer), C Shanley-Grozavu (Democratic Services Officer), L Trevillian (Principal Planning Officer), C Tyler (Senior Planning Officer) and A Vlachos (Senior Planning Officer)

## PC105 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Bagnall, with Councillor Coote attending as his substitute.

Apologies for lateness were received from Councillor Church.

The following declarations were made for transparency:

- Councillor Sutton declared that she was the Ward Councillor for Takeley (Items 7 and 9).
- Councillor Lemon declared that he was the Ward Councillor for Hatfield Heath (Item 8).

Councillor Haynes declared that he had an interest in a property on the other side of Smiths Green. He confirmed that he would not recuse himself on Item 7.

## PC106 **MINUTES OF THE PREVIOUS MEETING**

The Chair announced that a clarification to the minutes would be applied in respect of Minute 101 as the Parish Councillor was neither speaking for or against the proposal.

The minutes of the meeting were approved, subject to the minor amendment outlined above.

## PC107 **SPEED AND QUALITY REPORT**

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

The report was noted.

PC108 **QUALITY OF MAJOR APPLICATIONS REPORT**

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

He provided a verbal update on the appeals for UTT/21/3272/OP (Land South of Stortford Road, Little Canfield) and UTT/22/1275/OP (Land at Parsonage Farm, Great Sampford) which had both been dismissed.

The report was noted.

PC109 **S62A APPLICATIONS**

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

He confirmed that the hearing for UTT/23/1848/PINS (Moors Fields, Little Dunmow) and UTT/23/2193/PINS (Land At Eastfield Stables, Stansted) had both been postponed until after the new year.

In addition, there had been an increase in applications due to the increase in Planning fees from 6<sup>th</sup> December.

The report was noted.

PC110 **UTT/23/2616/PINS - LAND TO THE NORTH OF ELDRIDGE CLOSE, CLAVERING**

The Senior Planning Officer presented a S62a 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. This had been submitted to the Planning Inspectorate (PINS) for determination.

He invited Members to comment on the proposals.

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

- Whilst there were no designated heritage assets near to the site, the application had not provided sufficient detail to show that the historical context had been considered.
- Should the application be granted approval with a s106 agreement, then the Council as the Planning Authority would receive the nomination rights to enter into the agreement with the Developer.
- The lack of pedestrian access had not been a previous reason for refusal, however Members could include this in their comments, should they be minded to.

Members discussed:

- The Committee still maintained their original objections, as outlined in Appendix 2 of the Officer's report.
- The location of the application site had limited pedestrian access and would not encourage the use of movement by means other than driving of a car, contrary to Policy GEN1.
- There was a need to protect the surrounding hedgerows.

Members proposed that the previous reasons for refusal be retained in their comments to PINS, along with additional objections regarding the 5-year land supply and pedestrian access.

PC111 **UTT/23/2682/PINS - LAND AT WARISH HALL FARM NORTH OF JACKS LANE, SMITHS GREEN LANE, TAKELEY**

The Senior Planning Officer presented a S62A application for the erection of 40no. dwellings, including open space landscaping and associated infrastructure. This had been submitted to PINS for determination.

She invited Members to comment on the proposals.

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

- The application site was located within the Countryside Protection Zone (CPZ).
- The updated five-year land supply would be brought to the Inspector's attention; however it was unlikely to impact the decision making as they had previously accepted the principal of development.
- The applicant had yet to propose acceptable by-way improvement works and a lighting design scheme that satisfied both ECC Highways and ECC Place Services. This dispute was ongoing, and both consultees had requested additional information and revised plans.

Members discussed:

- The Inspector had refused a previous application on the site on the grounds of highways, ecology and impact on the character from works to the byway. These matters had yet to be resolved in the current application.
- The site was located within the CPZ and would have adverse effects on the openness of the countryside, therefore contrary to Policy S8.
- The development may potentially have an adverse impact on the setting of several designated and non-designated heritage assets, including harm to the character and appearance of Smiths Green Lane (Warish Hall Road), a protected lane.
- The application had not addressed the Council's previous objections, nor the Inspector's reasons for refusal.

Members proposed that comments be sent to PINS advising that the Council object to the application on the following grounds:



1. The application had not addressed the reasons for refusal from the dismissed S62a application (S62A/2023/0016).
2. The proposal would result in an adverse effect on the open characteristics of the CPZ.
3. The development would cause harm to the character and appearance of Smiths Green Lane, a protected lane.

**PC112 UTT/22/1261/FUL - LAND TO WEST OF MILL LANE, HATFIELD HEATH**

The Senior Planning Officer presented an application for 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. There would also be the creation of a pedestrian and cycle link path.

This application had previously been presented to the Planning Committee in October 2023, and the application was deferred so that the report could be brought back with reference to the 2018 appeal decision on the site.

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

Officers clarified that it was in their view that the site was not previously developed land, as the former Prisoner of War Camp was considered a temporary use. Therefore, the site could not be exempt under paragraph 149(g) of the NPPF and in order to be deemed acceptable within the Green Belt, the proposal would require “very special circumstances” which would outweigh the harm identified, as outlined in paragraphs 147 and 148 of the NPPF. In this case, the “special circumstances” for the site was the historical benefit of the proposal as it sought to restore a portion of the Prisoner of War Camp enabled by the addition of new dwelling house on the site, as well as a degree of public access. However, it was for the committee to decide for themselves as to whether the tests within paragraphs 147, 148 and 149(g) applied.

In response to further questions, Officers confirmed the following:

- A letter from the Clerk of Hatfield Heath Parish Council, regarding traffic problems had been sent directly to the Case Officer; however, this had not been included on the Late List as the Officer had been absent.
- The Highways Authority raised no objection towards the proposal, subject to conditions.
- The commercial aspect of the development did not automatically rule it out as unacceptable within the Greenbelt.
- It was for Members to decide how much weight should be applied towards the holiday let bringing a heritage asset back into use.

Members discussed:

- The access to the scheme was acceptable.
- Essex Highways had not raised any objections with the proposal.

- There were concerns surrounding flooding on to Stortford Road which had been caused by a filled-in ditch. The Parish Council had been liaising with Essex Highways on this issue.
- The proposed footpath to Home Pastures and Broomfield would not reduce the number of pedestrians using Mill Lane as it would take longer to reach their destination on the new route.
- Eight holiday lets was not a viable commercial proposal in Hatfield Heath.
- The Inspector of the 2018 appeal concluded that the site was previously developed land. However, dismissed the application due to harm to the Green Belt, heritage and the character and appearance of the area contrary to the development plan and national policy.
- There was currently not a scheme which would retain the pre-existing buildings or restore them to their original condition.
- ECC Place Services stated that the proposal would inevitably result in harm to the significance of the non-designated heritage asset.

Members debated the principle of the development; specifically whether the site could be considered to be on previously developed land and, if not, whether the proposed restoration of the non-designated heritages assets was to be considered very special circumstances which would outweigh the harm to greenbelt. There was general agreement that it was not previously developed land, and therefore the exemption under paragraph 149(g) of the NPPF was not applicable. In addition, most members concluded that the benefits of the proposal could not be considered “very special circumstances” which would outweigh the harm identified, including the heritage and greenbelt. For this reason, the application also failed to meet the tests found within paragraphs 147 and 148 of the NPPF.

Councillor Emanuel proposed that the application be refused on the following grounds:

*The proposed development would constitute inappropriate development within the Green Belt and additional harm would result from the loss of openness. The harm by reason of its inappropriateness and loss of openness was not clearly outweighed by other considerations. There were no very special circumstances associated with the proposal that would outweigh the harm identified, therefore it failed to meet the tests found within paragraphs 147, 148 and 149(g) of the National Planning Policy Framework (2023)*

*The proposal was therefore contrary to Policy S6.*

This was seconded by Councillor Lemon.

RESOLVED that the Director of Planning be authorised to refuse permission for the reasons listed above.

The Principal Planning Officer presented an application which sought approval of details following the granting of outline planning under reference UTT/19/0394/OP for a 66-bed care home. The details for consideration were appearance, landscaping, layout and scale.

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

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

- The care home would have approximately 46 full time and 20 part time members of staff who would provide 24-hour care.
- The proposed car parking provisions were deemed sufficient and in line with both UDC and ECC's Parking Standards.
- The Adopted Council Parking Standards recommended that a maximum of 1 space per full time staff and 1 visitor space for every 3 bedrooms for a residential care home.
- When calculating the parking provisions, the applicant had taken into consideration 2011 Census data to determine means of local population travel modes to and from their places of employment. This confirmed that on average 80% of the population in Takeley travelled to work by car whilst the remaining 20% was by other means of transport such as walking, cycling or public transport.
- Based on the presumption that the maximum number of staff on site would be 26 at any one time, the Applicant included 20 off street parking spaces to meet the peak demand for staff parking.
- There was no provision for mobility scooter parking or charging.
- The Inspector has applied various conditions to the outline permission which the applicant would be required to discharge.
- The proposed layout of the site generally complied with the approved indicative masterplan that was granted permission under the outline application.

Members discussed:

- There was some dissatisfaction with the overall scale and layout of the proposal as it felt both too high and cramped for the application site.
- A S106 agreement had been agreed at the Outline Planning stage, however it had not included any financial contributions towards improvements of the footways, highways or local bus services.
- It would be the responsibility of the Care Home's Management company to manage the car parking provisions and explore options for preventing airport fly-parking.
- There was concern around the allocation of 9 spaces for visitors. It was noted that visiting hours were spread across the week, thus the allocation was deemed acceptable as residents wouldn't all expect visitors at the same time.
- The number of staff parking spaces may cause issues during shift changeovers times.

- The car park layout had been designed to accommodate refuse and emergency vehicles and allow manageable reversing and turning manoeuvres.
- The Parking Standards prescribed a maximum number of car parking as an oversized car park would encourage various issues including airport fly-parking and more cars on the road.
- The Applicant's proposed travel plan would encourage a modal shift from cars.

Councillor Emanuel proposed that the application be approved subject to those items set out in section 17 of the report.

This was seconded by Councillor Coote.

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

*A written statement from J Deane (Takeley PC) was read out neither in support nor against the application.*

*A written statement from Councillor G Bagnall was read out against the application.*

*D Jenkins (Applicant) spoke in support of the application.*

PC114 **UTT/23/2555/FUL - LAND BEHIND OLD CEMENT WORKS, THAXTED ROAD, SAFFRON WALDEN**

The Senior Planning Officer presented a 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.

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

In response to questions from Members, Officers clarified that the variation of the conditions enabled changes to be made 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.

Councillor Emanuel proposed that the application be approved.

This was seconded by Councillor Church.

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

*The meeting was adjourned between 14:05 to 14:15*

PC115 **UTT/23/0990/FUL - SHIRE HILL, SAFFRON WALDEN**

The Principal Planning Officer presented an application for a new light industrial unit with associated car park and servicing area.

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

In response to a question from Members, Officers clarified that solar panels had been included as a condition.

Members discussed the following:

- The designs could have included more solar panels, particularly to take advantage of the south inclined roof.
- The parking provision was acceptable under the current policy.
- Should there be a need in future for further Electric Charging Points, then these could be installed without the need for additional Planning Permission.
- ECC Highways had conducted a Vehicle Tracking Plan which concluded that a significant sized lorry could turn within the Service Yard.
- The proposal was an efficient use of space.

The Legal Advisor reminded members to be cautious about seeking to apply conditions that would redesign the application as these would not stand up if appealed.

Councillor Coote proposed that the application be approved.

This was seconded by Councillor Church.

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

*The meeting was adjourned between 13:00 and 14:00*

PC116 **UTT/23/2119/FUL - LAND BETWEEN 39 AND 41 CROMWELL ROAD, SAFFRON WALDEN**

The Senior Planning Officer presented an application for the erection of 2 no. semi-detached dwellings with associated access, parking and landscaping.

He recommended that the application be approved, subject to the conditions outlined in section 17 of the report.

There was also an additional proposed condition for a lighting scheme to the west side of the plot, starting from the south-western corner of the unit 1 building to the north-western corner of plot 1.

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

- A Construction Management Plan could be implemented to ensure that the adjacent pathways were not obstructed at any time during the development's construction phase.
- The application site was an informal open space and not designated public open space or part of the protected open spaces' network. As such, policies LC1 and ENV3 of the Local Plan and policy SW17 of the Saffron Walden Neighbourhood Plan were not applicable.
- There was no mechanism in which a green space could be designated as a public open space, based on usage or maintenance over time alone.
- The proposal was compliant with the Nationally Described Space Standard.
- There was a dispute regarding the ownership of the land at the north-end of the plot. For this reason, the fence line would not be brought to the end of the plot.

Members discussed:

- No objections had been raised by the Statutory Consultees, including Saffron Walden Town Council.
- There were concerns over the potential loss of the land as a public open space. However, as the application site was not designated public open space it was not protected by the provisions of the Local Plan or the Saffron Walden Neighbourhood Plan
- The issue around ownership of the land to the north of the plot was ongoing and out of the control of the Committee as a non-planning matter.
- To prevent anti-social behaviour, a condition could be applied for a lighting scheme to be applied on the east, north and west sides of the development as the development would create darker footways due to the necessary use of close boarded fencing for the private gardens and due to the size of the proposed dwellings.
- There was a lack of evidence in the original planning permissions for the wider estate to outline the rationale as to why the green space had been left, and why it was not designated as a Public Open Space.
- Neighbourhood Plans could be used in future to enhance and protect pre-existing green spaces.
- The design of the houses was similar to the surrounding area.

Councillor Loughlin proposed that the application be approved, with the additional conditions:

- A lighting scheme for the east, west and north sides of the site
- Construction Management Plan

This was seconded by Councillor Sutton.

RESOLVED: that the Director of Planning be authorised to grant permission for the development subject to the items outlined in section 17 of the report and the additional conditions listed above.

*A written statement from Councillor C Fiddy was read out against the application.*

*T Cannon (Agent) spoke in support of the application.*

*Meeting ended 14:38*

## 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% (85%**)	District - P151a
Speed of non-major Development	70% (82.75%)	70% (85.06%)	70% (84.82%)	70% (84.25%**)	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% (13.51%*)	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*



**Committee:** Planning Committee  
**Date:** 10 January 2024  
**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	7	10	1	13.51%
Apr 2022 - Mar 2024	79	22	11	4	3	4	3.80%

*\*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/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	Hearing	Hearing closed

	Birchanger Lane Birchanger		
UTT/22/1578/OP (Valid)	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

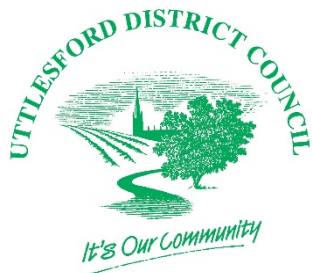
**The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013**

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	Following a High Court Decision, this application needs to be redetermined.
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	Refuse – 15/12/2023
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 – 31/10/2023
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	Opinion Given
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	Opinion Given
08/11/2023	S62A/2023/0028	UTT/23/2810/PINS	Land To West Of Chelmsford Road Hartford End Felsted	Consultation on S62A/2023/0028 Outline application for construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access	Consultee	
17/10/2023	S62A/2023/0026	UTT/23/2622/PINS	Land South Of (West Of Robin Hood Road) Rush Lane Elsenham	Consultation on S62A/2023/0026 - Outline application for the erection of up to 40 dwellings with all matters reserved except for access	Consultee	



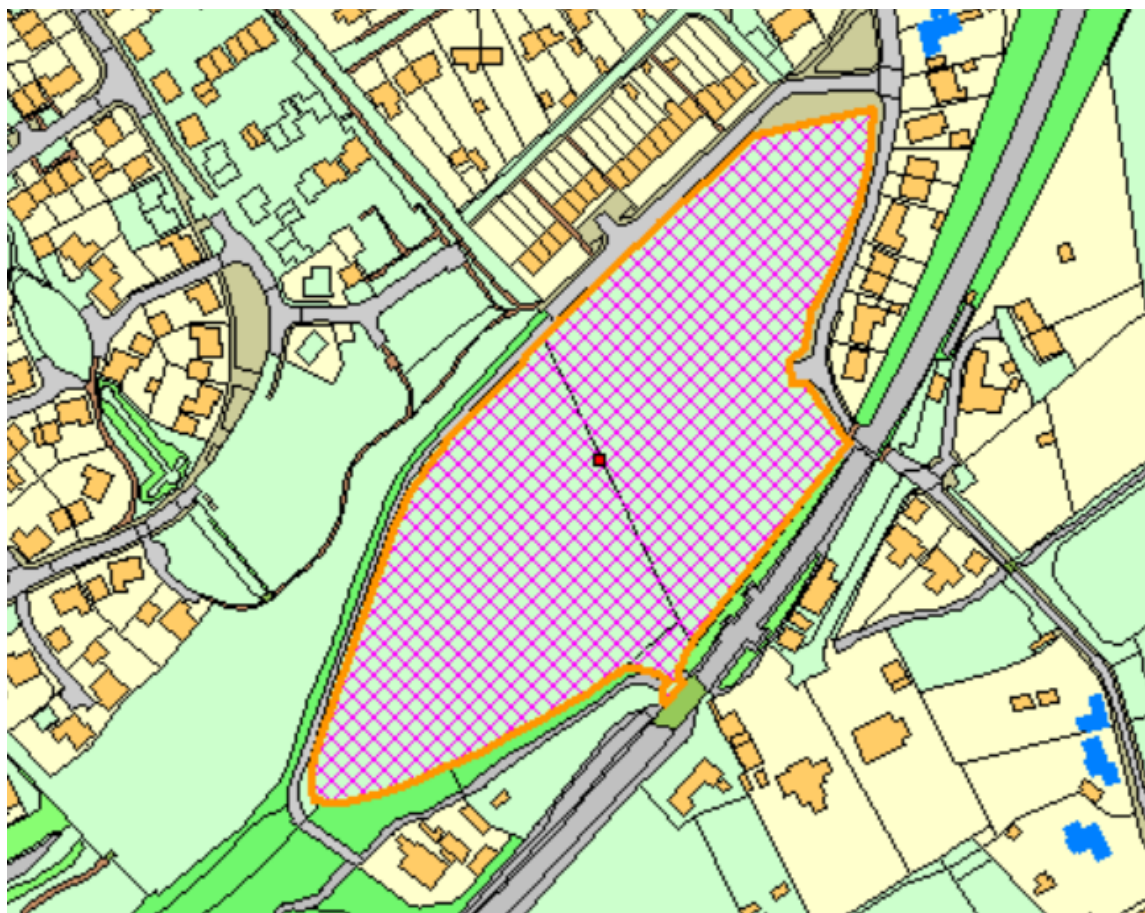
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** S62A/2023/0026 and UTT/23/2622/PINS

**LOCATION:** Land South Of (West Of Robin Hood Road),  
Rush Lane, Elsenham

**SITE LOCATION PLAN:**



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



**PROPOSAL:** Outline application for the erection of up to 40 dwellings with all matters reserved except for access

**APPLICANT:** Rosconn, Nigel John Burfield Holmes, Rosemary Holmes

**AGENT:** Mr F Hickling

**DATE CONSULTATION RESPONSE DUE:** Extension of time given to 12<sup>th</sup> January 2024.

**CASE OFFICER:** Rachel Beale

**NOTATION:** Outside Development Limits / Within Countryside Protection Zone

**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 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 site lies to the south of Rush Lane and comprises a sloping parcel of land consisting of 2.25 ha set mainly to grass and scrub and enclosed by boundary vegetation which falls down to Stansted Brook and the London to Cambridge railway line. A public footpath (No.29, Elsenham) runs through the site in a north-east to south-west direction linking Robin Hood Road with undeveloped land further to the south-west to the rear of the new Elsenham Vale housing development.

2.2 A row of modern terraced houses faces the site along Rush Lane to the immediate north. A row of further houses comprising a mixture of modern and older dwellings, including four listed buildings extends along Robin Hood Road on the site's east side leading down to the railway line which has a pedestrian level crossing to enable pedestrians to access Fullers End (Tye Green Road) and vice versa. A small development of very recently constructed houses front Tye Green Road to the immediate south of the level crossing extending behind on the site of a former timber yard and small industrial estate.

### 3. **PROPOSAL**

3.1 The site lies to the south of Rush Lane and comprises a sloping parcel of land consisting of 2.25 ha set mainly to grass and scrub and enclosed by boundary vegetation which falls down to Stansted Brook and the London to Cambridge railway line. A public footpath (No.29, Elsenham) runs through the site in a north-east to south-west direction linking Robin Hood Road with undeveloped land further to the south-west to the rear of the new Elsenham Vale housing development.

3.2 A row of modern terraced houses faces the site along Rush Lane to the immediate north. A row of further houses comprising a mixture of modern and older dwellings, including four listed buildings extends along Robin Hood Road on the site's east side leading down to the railway line which has a pedestrian level crossing to enable pedestrians to access Fullers End (Tye Green Road) and vice versa. A small development of very recently constructed houses front Tye Green Road to the immediate south of the level crossing extending behind on the site of a former timber yard and small industrial estate.

### 4. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

### 5. **RELEVANT SITE HISTORY**

#### 5.1 **Application Site:**

5.2 UTT/19/0437/OP - Outline application for the erection of up to 40 dwellings with all matters reserved except for access – Refused at committee - Allowed at appeal.

5.3 UTT/23/2028/DFO - Details following outline application UTT/19/0437/OP (allowed on appeal reference APP/C1570/W/19/3242550) for erection of 40 dwellings - details of appearance, landscaping, layout and scale – Decision pending.

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

6.1 Full details of the applicant's engagement and consultation exercises conducted is discussed in the supporting 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 8 January 2024.

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 January 2024. 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 **UDC Housing Officer**  
No objections, details to be secured at reserved matters.

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

## 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 January 202. 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,;

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

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

(c) any other material considerations.

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

**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

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN6 – Infrastructure Provision

ENV2 – Development Affecting Listed Buildings

ENV4 – Ancient monuments and Sites of Archaeological Importance

ENV10 – Noise Sensitive Developments

ENV13 – Exposure to Poor Air Quality

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 and Principle of Development

B) Design

C) Residential Amenity

D) Heritage Impacts and Archaeology

E) Affordable Housing Mix and Tenure

F) Access

G) Nature Conservation

H) Air Quality, Contamination & Noise

I) Flooding

J) Planning Obligations

K) Other matters

L) Planning Balance and Conclusion

### **13.2 A) Background and Principle of Development**

- 13.2.1** In 2019, application UTT/19/0437/OP for outline planning permission for the erection of up to 40 dwellings with all matters reserved except for access was refused at Committee and then allowed at appeal under appeal ref. APP/C1570/W/19/3242550.
- 13.2.2** Since the application was approved, little has changed in terms of local and national policy, and in terms of the site context.
- 13.2.3** The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). A new Local Plan was released on 11 November for Regulation 18 Preferred Options consultation. Within this emerging local plan, this site is allocated for residential development. 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.
- 13.2.4** Although the Council can demonstrate a 5YHLS (5.14 years), the recently updated NPPF (2023) requires the Council to also provide a 20% buffer. The Council are unable to meet this. Additionally, the proposals cannot be tested against a fully up-to-date Development Plan. Thereby paragraph 11 of the NPPF is engaged, as was the case in 2019.
- 13.2.5** The site lies just outside development limits for Elsenham on the south side of the village whereby the development limits boundary for the village runs along Rush Lane to the immediate north, which comprises a quiet cul-de-sac off Robin Hood Lane, itself a quiet road which terminates at the railway crossing to the immediate south. A parade of local shops lies along the high street to the north of the site within immediate walking distance, whilst Elsenham Primary School and the village surgery also lie within walking distance. The Leigh Drive bus stop is located within 800m north of the site along Stansted Road.
- 13.2.6** The site also lies within the Countryside Protection Zone where planning permission will only be granted for development within the zone that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. The policy adds that development will not be permitted if a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside and b) it would adversely affect the open characteristics of the zone.
- 13.2.7** In allowing the appeal and therefore granting outline planning permission on the site, the Inspector concluded that the development would result in limited harm to the open characteristics of the CPZ and countryside. There would be no significant coalescence either between Elsenham and the airport or surrounding settlements. Overall, there would be limited conflict with the countryside protection aims of LP Policies S7 and S8.

### **13.3 B) Design**

**13.3.1** Scale, Layout, Appearance and Landscaping are reserved matters which do not fall to be considered for this outline application following the decision by the applicant during the course of the current application to remove Layout from the application (leaving just Access).

**13.3.2** The indicative layout is as per the approved application and therefore is continued to be considered 40 houses could be appropriately delivered on the site.

### **13.4 C) Residential Amenity**

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.

**13.4.1** 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.

**13.4.2** 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.

### **13.5 Standard of Accommodation**

**13.5.1** 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.

**13.5.2** 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.

**13.5.3** However, it is noted that there were no such concerns raised as part of the previous appeal 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.

## **13.6 D) Heritage impacts and Archaeology**

### **13.6.1** Heritage

**13.6.2** Robin Hood Road contains some Grade II listed buildings within the existing building line, including The Robin Hood PH. As with the previously approved outline, it is considered that the wider setting of these listed buildings are unlikely to be significantly affected by the development proposal for Rush Lane given their relative proximity to the site and by the fact that modern linear housing development already exists along Robin Hood Road and Rush Lane, diminishing their wider setting over time. No heritage objections can therefore be reasonably raised to the application proposal at this outline stage under ULP Policy ENV2 where an assessment of the impacts of the proposal on any heritage assets cannot be known at this stage and where a fuller assessment would be made at reserved matters stage.

### **13.6.3** Archaeology

**13.6.4** 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.

**13.6.5** 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 E) Affordable Housing Mix and Tenure**

**13.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market



Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

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

**13.7.3** In terms of mix, 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)'. 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%.

**13.7.4** 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.

All the above details will be secured as part of a reserved matters application should outline planning permission be granted again.

## **13.8 F) Access**

**13.8.1** 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.'

**13.8.2** 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.

**13.8.3** The access is the key difference between this current outline application and the approved outline application. The main access to the site is now proposed to be from Robin Hood Road rather than Rush Lane.

**13.8.4** 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.

### **13.9 G) Nature Conservation**

**13.9.1** 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.

**13.9.2** The acceptance of the proposed development in the context of nature conservation and biodiversity will ultimately be assessed by ECC Place Services Ecology. Place Services Ecology will directly provide written advice of their findings and conclusions directly to PINS.

### **13.10 H) Air Quality, Contamination & Noise**

#### **13.10.1** Noise

The proposed development at Rush Lane would be affected to some extent by background noise generated by the adjacent railway line to the south of the site, albeit that the dwelling units for the indicated scheme would be positioned at the northern end of the site, and to a lesser extent by noise from the M11.

**13.10.2** UDC Environmental Health are yet to comment but recommended conditions on the previously approved application, an outcome that is likely to be similar on this application. These comments will go directly to PINS. Environmental Health subject to appropriate noise conditions to reflect the findings of the report (ULP Policy ENV10).

#### **13.10.3** Air Quality

**13.10.4** The site is not within an Air Quality Management Area, although the issue of air quality is required to be considered in the wider local context given levels of poor air quality which are currently being experienced along the lower reaches of Grove Hill and parts of Stansted where the granting of permission for further housing developments within Elsenham are likely to compound these reduced air quality levels for these areas in terms of cumulative effects

**13.10.5** UDC Environmental Health are yet to comment but recommended conditions on the previously approved application, an outcome that is likely to be similar on this application. These comments will go directly to PINS.

**13.10.6** Contamination

**13.10.7** 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.

**13.10.8** The site is a greenfield site which is currently vacant and unused. However, the presence of the railway line running along the southern boundary of the site and the former sawmill beyond this, which has recently been developed for residential use, are both considered to be historic uses and potential sources of contamination whereby elevated levels of ground gas was found at the sawmill during the contamination remediation scheme carried out for the approved new housing on that site.

**13.10.9** The Environmental Health Officer will directly provide written advice of their findings and conclusions directly to PINS. Notwithstanding, based on their response to the previously allowed outline scheme, 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.

**13.11** **I) Flooding**

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

**13.11.2** 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.

**13.11.3** The site falls within Flood Zone 1, which represents the lowest risk of flooding, albeit that the site lies adjacent to Stansted Brook below (Main River) whereby any flood overflow of the brook at the bottom end of the site would be within Flood Zone 2 (medium risk of flooding). The proposed housing area for Rush Lane as indicatively shown on the submitted site parameters plan would be on the northern upper section of the site away from Stansted Brook.

**13.11.4** The LLFA are yet to comment but recommended conditions on the previously approved application, an outcome that is likely to be similar on this application. These comments will go directly to PINS.

## **13.12 J) Planning Obligations**

**13.12.1** Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

**13.12.2** 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:

- 13.12.3**
- 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

## **13.13 K) Other Matters**

**13.13.1** 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.

**13.13.2** 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.

**13.13.3** 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.

**13.13.4** 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.

**13.13.5** 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.

#### **13.14 L) Planning Balance and Conclusion**

**13.14.1** Although the Uttlesford District Council can demonstrate a 5-year housing land supply, the recent NPPF requires a 20% buffer is also secured which UDC cannot demonstrate. There is also currently no up-to-date Local Plan.

**13.14.2** 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.

**13.14.3** Notwithstanding the above, it is a material consideration that the site has outline planning permission as allowed by the Inspector under appeal ref. APP/C1570/W/19/3242550. In allowing this appeal, the Inspector concluded the following:

**13.14.4** The the development would result in limited harm to the open characteristics of the CPZ and countryside. There would be no significant coalescence either between Elsenham and the airport or surrounding settlements. There would inevitably be landscape harm arising from a loss of openness across the appeal site. However, given the site's high level of visual containment and close relationship to the existing built form of Elsenham, these are not factors that weigh heavily against the scheme. Overall, there would be limited conflict with the countryside protection aims of LP Policies S7 and S8.

**13.14.5** Nevertheless, the following balancing exercise has been undertaken for the current application.

**13.14.6** Benefits of the development:

- 13.14.7 The development would result the delivery of 40 dwellings. The number of dwellings proposed would make a minor contribution to maintaining the supply of housing locally.
- 13.14.8 The proposal would provide additional affordable housing at 40%. This would equate to 16 affordable homes.
- 13.14.9 The provision of public open space and a play area would also represent a social benefit of the scheme, along with the inclusion of pedestrian links.
- 13.14.10 The environmental benefits include small biodiversity gains.
- 13.14.11 The appeal site is also located in an accessible and sustainable location on the edge of Elsenham, a town with a reasonable range of shops and services. Public transport contribution towards increasing the frequency of bus services through the village has the potential to benefit the local community.
- 13.14.12 The development would 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.
- 13.14.13 Adverse impacts:
- 13.14.14 There would inevitably be landscape harm arising from a loss of openness across the appeal site. However, given the site's high level of visual containment and close relationship to the existing built form of Elsenham, these are not factors that weigh heavily against the scheme.
- 13.14.15 Neutral:
- 13.14.16 Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- 13.14.17 Indicative 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 previous outline 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.

# Agenda Item 7



**ITEM NUMBER:** 7

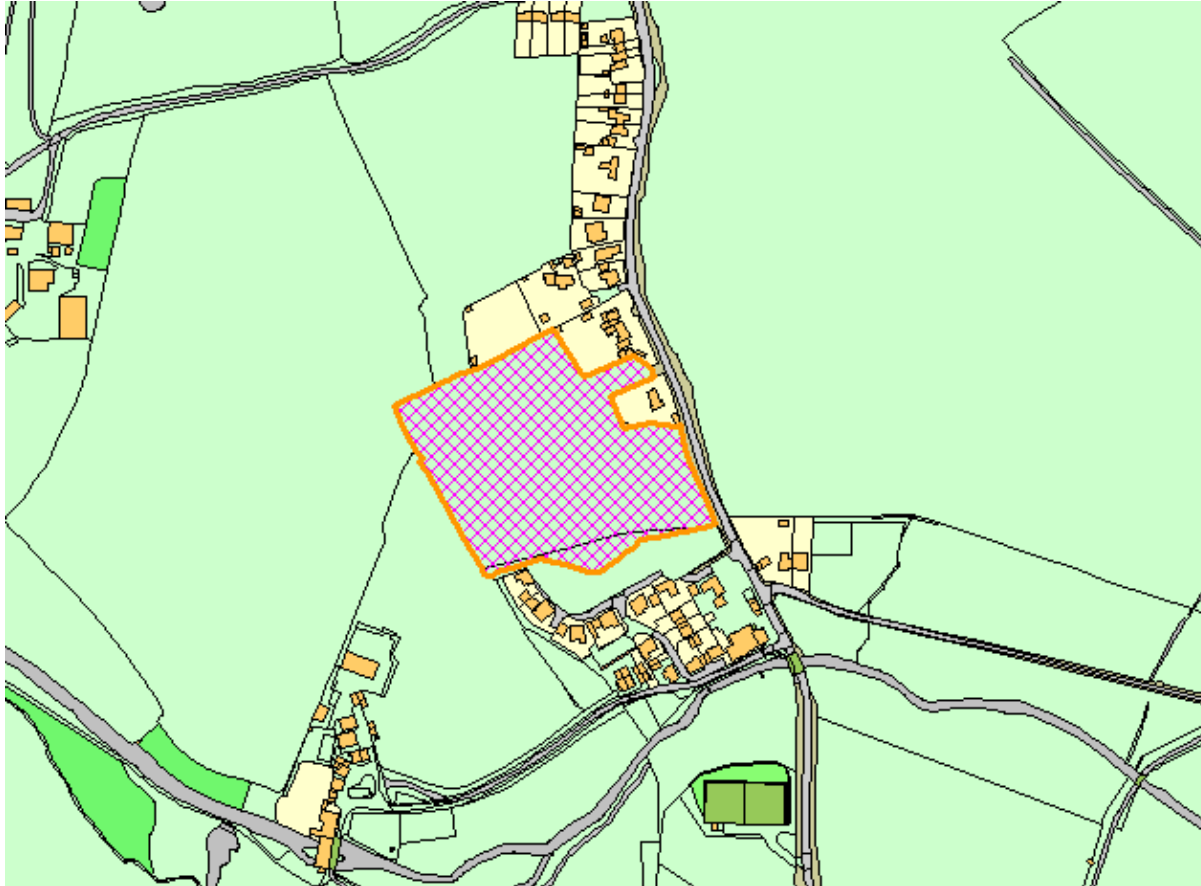
**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** UTT/23/2810/PINS

**LOCATION:** Land To West Of Chelmsford Road  
Hartford End  
Felsted  
Essex



**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 10<sup>th</sup> November 2023

**PROPOSAL:** Construction of up to 50 dwellings (Use Class C3) and associated access and bus stops, with all matters reserved apart from access

**APPLICANT:** Stockplace Investments Ltd

**AGENT:** Mr M Gibson

**DATE CONSULTATION RESPONSE DUE:** 12 January 2024

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

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

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

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**1. RECOMMENDATION**

That the 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 site lies at Hartford End and comprises for the purposes of the land edged in red, a larger arable field which slopes down towards the River Chelmer from higher ground to the north. The site has a stated area 2.41ha and part fronts onto the B1417, a classified road.

**2.2** A line of detached dwellings exist to the immediate north east of the site, whilst a new housing development (Ridley Green) lies to the immediate south on the site of a former Ridleys brewery complex.

**3. PROPOSAL**

- 3.1 Consultation on S62A/2023/0028 Outline application for construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access.

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**5. RELEVANT SITE HISTORY**

5.1

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/21/3088/OP	Outline application with all matters reserved except access for the erection of 4 no. dwellings.	REFUSED
UTT/20/3368/OP	Outline application with all matters reserved except access for the erection of 4 no. detached dwellings	REFUSED
UTT/20/3323/OP	Outline application with all matters reserved except access for the erection of 1 no. detached dwelling	REFUSED
UTT/16/2149/FUL	Residential development comprising 22 no. dwellings and associated garages, roads, parking, open space and part demolition of existing buildings (revised scheme to that approved under planning permission UTT/15/0726/FUL)	APPROVED

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

- 6.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

**7. STATUTORY CONSULTEES**

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

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 21-day consultation period.

## **9. CONSULTEE RESPONSES**

UDC Housing Enabling Officer

- 9.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 50 properties. This amounts to up to 20 affordable housing properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. The affordable housing tenure mix can be agreed at reserved matters stage subject to outline planning approval being granted. There is a requirement for 25% of the affordable housing provision to be delivered as First Homes at a discount of 30% below market value and at or below a price cap of £250,000 after the discount has been applied.

Essex Police

- 9.2 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide, ensuring that risk commensurate security is built into each property and the development as a whole benefitting both the resident and wider community.

## **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. All representations should be submitted directly to PINS within the 21-day consultation period.  
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 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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

## **12. POLICY**

### **12.1 National Policies**

- 12.1.1** National Planning Policy Framework (2023)

## **12.2 Uttlesford District Plan 2005**

S7	The Countryside
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H9	Affordable Housing
H10	Housing Mix
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV11	Noise Generators
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

## **12.3 Felsted Neighbourhood Plan**

Felsted Neighbourhood Plan (FNP) was made February 2020, of which full weight is applied, policies include:

FEL/CW1- Landscape and Countryside Character  
FEL/CH4- Avoiding Coalescence,  
FEL /HN5- Residential Development outside Development Limits  
FEI/ HN7- Housing mix

## **12.4 Supplementary Planning Document or Guidance**

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

## **13. CONSIDERATIONS AND ASSESSMENT**

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

- 13.2**
- A) 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**

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

Housing Delivery

**13.3.1** The 2023 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

**13.3.2** Paragraph 82 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

**13.3.3** The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

- 13.3.4** The site is located beyond the Development Limits and the proposal does not represent 'sensitive infilling' in the context of Policy S7. It is therefore concluded that residential development on the site would be in conflict with policy S7.
- 13.3.5** A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given less weight. Nevertheless, it is still a saved local plan policy and carries weight.
- 13.5.6** The Felsted Neighbourhood Plan (FNP) which was made on 25 February 2020 forms part of the Development Plan and is therefore a material planning consideration for the purposes of the determination of planning applications along with the district council's adopted ULP. FEL/CW1 of the made FNP has a similar rural protection aim objective, whilst FEL/CH4 seeks to avoid coalescence between the hamlets of the Neighbourhood Area and settlements in adjoining parishes.
- 13.3.7** The current undeveloped sloping nature of the site along the B1417 road frontage on its west side between Hillside set at higher ground and Ridley Green below serves as an attractive open gap between the existing and established linear nature of housing to the north and the residential brewery conversion.
- 13.3.8** It is considered that the development would fail to protect the particular character of the part of the countryside within which it is set where no special reasons have been put forward as to why the development in the form proposed needs to be there resulting in significant and demonstrable harm to the countryside and contrary to the countryside protections aims of Policy S7 of the adopted Local Plan and those of Policies FEL/CW1 and FEL/HN5 of the Felsted Neighbourhood Plan where none of the specific listed circumstances set out within FEL/HN5 apply to the proposal.

#### Loss of Agricultural Land

- 13.3.9** ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 180 (b) of the NPPF has a similar objective. While the site is classified as Grade 3, which is regarded as good to moderate quality agricultural land (Best and most versatile agricultural land- NPPF) although the proposal would result in the loss of a sized plot of land (2.41ha) the development would still represent a breach of this policy.

#### Suitability and Location

- 13.3.10** Paragraph 83 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.

- 13.3.11** Paragraph 84 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. It is considered that due to the location of the site adjacent other dwellings it is not considered isolated and accords with paragraph 84 of the NPPF in terms of not being an isolated location.
- 13.3.12** Paragraph 109 of the National Planning Policy Framework (the Framework) recognises that sustainable transport solutions will vary between urban and rural areas. A bus service does run close to the site, however this is only a very limited service. However 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.
- 13.3.13** In conclusion to the principle and location of the proposed development, the introduction of the dwellings will be in conflict with ULP Policy S7. Given the location of the proposed dwellings houses, it is considered not to be sustainable because it is not easily accessible to local shops, schools, lack of adequate rural sustainable transport and other local services. As a result, it would induce the use of private cars to reach such destination in conflict with ULP Policy GEN1 (e) and the NPPF.

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

- 13.4.1** The proposed development of this site would fill this this open rural plot which although there is the Ridley Green Development to the south, the immediate application site includes a built form and character of a linear road frontage. The introduction of built form will result in coalescence and consolidation of urbanised built form between the two distinctly identifiable sites (Ridley Green and the application site). The access road and shared access drive adjacent to the B147 shown on the illustrative Green and the application site) would introduce a further urbanising element to the road frontage.
- 13.4.2** Due consideration has been made to the submitted Landscape and Visual Appraisal and it's considered the proposed development with the introduction of built form would have a major adverse impact on the existing rural character of the site itself. The site is not particular well screened or contained and therefore the proposal would likely result

impact the impact on the wider landscape through long distance, short range and glimpsed views of the development/ site.

- 13.4.3** As such, it is considered that the development would fail to protect the particular character of the part of the countryside within which it is set where no special reasons have been put forward as to why the development in the form proposed needs to be there resulting in assessed significant and demonstrable harm to the countryside contrary to the countryside protections aims of Policy S7 of the adopted Local Plan and those of Policies FEL/CW1 and FEL/HN5 of the Felsted Neighbourhood Plan where none of the specific listed circumstances set out within FEL/HN5 apply to the proposal.
- 13.4.4** 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 this is the case it is not considered this alone will sufficiently mitigate the introduction of the built form and change to the appearance of the site.
- 13.4.5** 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.
- 13.4.6** The location of the application site is in close distance to the nearby Listed building of Mill House and also the non-designated heritage asset (original brewery building) which formed a locally distinctive feature and a important part of the development of the landscape.
- 13.4.7** Policy ENV2 states that development will not be permitted if it would adversely affect the setting of a listed building. At the western end of Mill Lane are the former Mill and Mill House buildings, which are Grade II\* and Grade II listed respectively. The proposed development would likely cause no material harm to the setting of these buildings. There is a substantial separation distance between the site and the heritage assets, and the visual impact of the development at the proposed scale would not be significant. The Council's Heritage officer has been consulted as part of this application, no comments have been received, and any comments received are required to be submitted directly to PINS.

## **13.5 C) Transport**

**13.5.1** 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.”

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

**13.5.3** The site is located 1.5km to the south of Felsted. Paragraphs 79 and 80 of the NPPF provides support for the growth of existing settlements, and seeks to avoid new isolated homes in the countryside unless there are special circumstances. It is considered that the intent of this policy is to focus new housing development within and on the edge of existing settlements, thereby preventing sporadic development in the countryside.

**13.5.4** Paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. It is considered that due to the location of the site adjacent other dwellings it is not considered isolated and accords with paragraph 80 of the NPPF in terms of not being an isolated location.

**13.5.5** The NPPF requires development proposals to take appropriate opportunities to promote sustainable transport, provide safe and suitable access for all users; and ensure any significant impact on existing transport networks can be acceptably mitigated.

**13.5.6** Paragraph 109 of the National Planning Policy Framework (the Framework) recognises that in rural areas there may be fewer options for sustainable transport solutions than in urban areas. However, from the assessment of the location of the application site and distance from the surrounding villages the occupiers would be reliant on private cars to travel for day today needs. For most local services and facilities, future occupiers would need to travel to larger villages.

**13.5.7** It is noted the site does have limited sustainable transport options, whilst some opportunities for non-car travel are available in this area, these are

limited. It is too far to walk to most local services, and in any case, the nearby highway and foot path do not have any lighting or pavements, are not particularly welcoming for pedestrians, this represents a conflict with Policy GEN1.

**13.5.8** Cycling is an option, but there is no specific provision for cyclists and for many people, riding on the local roads will not be an attractive proposition. Whilst some buses are provided, this is very limited. Given the above, future occupiers of the appeal site are likely to drive to nearby settlements on a regular basis to access day to day services and facilities.

**13.5.9** I conclude that the proposed location fails to accord with local and national policies promoting the use of sustainable transport. The proposed development would not encourage movement by transport modes other than the car, and the resultant additional road traffic could reduce the attractiveness of the local lanes for walking and cycling. As such, the proposal conflicts with Saved Local Plan Policy GEN1e). There is further conflict with the objective of promoting sustainable transport in Section 9 of the Framework.

### **13.6 D) Accessibility**

**13.6.1** 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.

### **13.7 E) Amenity**

**13.7.1** Taking into account The Essex Design Guide, which represents non adopted but useful a guidance, it is considered the proposed scheme could 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, however this would be considered as part of a reserved matters application.

**13.7.2** 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.

### **13.8 F) Flooding**

- 13.8.1** 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 site is located wholly within Flood Zone 1 and is likely to be considered as a low risk of pluvial/ surface water flooding.
- 13.8.2** A Flood Risk Assessment has been submitted with this application, although the proposed layout is illustrative, technicians have concluded that with the inclusion of two attenuation basins, surface water discharge to the existing watercourse (ditch) and lined permeable paving system would result in a post-development run off rate also at 4.7 l/s, the same as greenfield.
- 13.8.3** The Lead Local Flood Authority have been consulted in regards to the development no comments have been received, any comments received are required to be submitted directly to PINS. Taking into consideration the details submitted with the application it is considered the development would likely not result in any flood risk subject to the imposition of conditions and mitigation measures.
- 13.8.4** In regards 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. With regards to capacity, the sewage company have a legal obligation to provide suitable drainage in adopted all areas.

**13.9 G) Infrastructure**

**13.9.1** 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.

**13.9.2** 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.

**13.9.3** 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.

**13.9.4** ECC- Library contribution

It is noted ECC will be providing this information prior to the completion of the required S106 legal agreement.

**13.9.5** 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.

**13.9.6** Delivery and management of off-site Biodiversity Net Gain Land

If there is a requirement for this- tbc.

**13.9.7** Payment of sustainable transport commuted sum contribution

It is noted the highways Authority will be providing this information prior to the completion of the required S106 legal agreement.

**13.9.8** Delivery of proposed Highway works

It is noted the highways Authority will be providing this information prior to the completion of the required S106 legal agreement.

**13.10 H) Protected species and biodiversity**

**13.10.1** 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.

**13.10.2** The application includes an ecology survey report, due consideration is made to this. Mitigation measures have been provided to avoid any adverse effects on nesting birds and commuting bats. The proposed landscape scheme would achieve a biodiversity enhancement by providing new boundary hedges, enhancing existing hedges and creating areas of wildflower grassland within the open space area. An additional area of new grassland is to be created adjacent to the site to ensure that the scheme achieves an overall biodiversity net gain.

**13.10.3** The Council Ecology Consultant has been consulted in regards to the proposed development, no comments have been received, any comments received are required to be submitted directly to PINS.

**13.11 I) Archaeology**

**13.11.1** Taking into consideration the location of the site the development and a nearby archaeological site the Essex County Council Archaeology Officer has been consulted, no comments have been received, any comments received are required to be submitted directly to PINS.

**13.12 J) Affordable Housing**

**13.12.1** 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 20 affordable homes 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 tenure would be agreed at a reserved matters stage.

**13.12.2** There is a requirement for the 25% of the affordable dwellings to be delivered as First Homes at a discount of 30% below market value and at or below a price cap of £250,000 after the discount has been applied.

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

### **13.13 K) Housing Mix**

**13.13.1** In respect of housing mix, local policy H10 requires all developments on sites of 0.1 hectares and above or of 3 or more dwellings, to include a significant proportion of market housing comprising small properties. Additionally, policy FEL/HN7 of the Felsted Neighbourhood plan identifies the local need for two- and three-bedroom accommodation, with homes suitable for the elderly that are accessible and adaptable.

**13.13.2** Furthermore, section 5.2 of the Felsted Neighbourhood Plan 'Meeting Housing Needs' identifies the need for small high-quality dwellings for downsizers, which is acknowledged as a local concern impacting on the housing stock available in Felsted.

**13.13.3** The Uttlesford Housing Strategy 2021 – 2026 (Published in October 2021) also identifies the overwhelming need for affordable one- and two-bedroom dwellings, as well as private two- and three- bedroom dwellings, though still with a need identified for smaller dwellings in Uttlesford and provision for those looking to downsize.

**13.13.4** The following set out the proposed housing mix;

<b>TOTAL MIX</b>					
UNITS	1B	2B	3B	4B	5B+
50	3	25	13	6	3
<b>PRIVATE SALE</b>					
UNITS	1B	2B	3B	4B	5B+
30	0	14	7	6	3
<b>AFFORDABLE RENT</b>					
UNITS	1B	2B	3B	4B	5B+
14	3	7	4	0	0
<b>SHARED OWNERSHIP</b>					
UNITS	1B	2B	3B	4B	5B+
1	0	1	0	0	0
<b>FIRST HOME</b>					
UNITS	1B	2B	3B	4B	5B+
5	0	3	2	0	0

**13.13.5** As such, it is considered the proposal can meet the policy requirement for both affordable and accessible housing, providing for an identified local housing need and ensuring an accessible space for future residents and those seeking to downsize. That being said this application is for outline planning permission and the housing mix would be approved at the reserved matters stage.

**13.14 L) Contamination**

**13.14.1** ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application includes the submission of a Phase 1 Contamination report that concludes the site is at low risk of contamination. The UDC Environmental Health Officer however no comments have been received. As such, subject to the use of a planning condition it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

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

**13.15.1** 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 111 of the NPPF.

### **13.16 N) Light pollution**

**13.16.1** 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.

### **13.17 O) Climate Change**

**13.17.1** 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 details within the Planning Statement demonstrating how the proposal accords with this policy.

**13.17.2** Sustainable principles have been evaluated at each stage of the design process to ensure the proposal has been designed and will be constructed to make the fullest contribution to climate change mitigation and adaptation. Therefore, minimising overheating, reducing flood risk, improving water efficiency, and protecting and enhancing green infrastructure, have been key considerations in the design process of the development.

**13.17.3** The development seeks energy reductions to meet current building regulations. Our first priority is a fabric first approach, with high performance thermal insulation to significantly reduce the heating energy demand with increased air tightness in the building envelope.

**13.17.4** Passive solar design takes advantage of natural light and heat from the sun and uses air movement for ventilation. This reduces or negates the need for artificial lighting, heating, cooling or ventilation. It can be achieved with no additional cost to a development and can result in considerable living cost savings and significant impact on energy efficiency.

**13.17.5** The layout and orientation of dwellings and windows to habitable rooms would be considered at reserved matters, aimed to achieve adequate

levels of natural daylight, maximising the controlled use of passive solar and thermal energy.

- 13.17.6** All dwellings would be designed to be dual aspect, benefiting from highly effective natural ventilation Land at Chelmsford Road, Hartford End - Planning Statement and cooling of the building fabric within summer seasons, while appreciating views over the rear paddocks.
- 13.17.7** Further, whilst parking is provided within the proposed development, the inclusion of deliverable bus stops is envisaged to increase the usage of public transport in an area that is currently highly dependent on private vehicles, for the existing and future community. In addition to this, electric vehicle charging and cycle parking which would be agreed at reserved matters.
- 13.17.8** In regards to biodiversity net gain, this would be provided within the application site, to the hedged boundaries and landscape spaces, and off-site provision directly west of the site.
- 13.17.9** In summary, the proposal would be designed to ensure sustainability is at the heart of development, utilising both fabricated and natural resources to assist Uttlesford District Council in its sustainable development goals as indicated in the Uttlesford Climate Crisis Strategy 2021 – 2030 and the Energy Efficiency and Renewable Energy (2007) SPD.

**13.18 P) Planning balance**

- 13.18.1** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years, however cannot demonstrate the necessary 20% buffer (paragraph 77 of the NPPF). In line with the presumption in favour of sustainable development set out in the NPPF - paragraph 11 (d) (ii). In this case the tilted balance is engaged, the NPPF states amongst other things:

“Where there are no 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,

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.

Benefits of the development:

- 13.18.2** The development would result the delivery of up to 50 dwellings. The Council can't demonstrate a 5-year housing land supply with the required 20% buffer. The number of dwellings proposed would make a meaningful contribution to maintaining the supply of housing locally.
- 13.18.3** The development would provide up to 20 affordable housing units based on a 40% requirement Policy H9 and the terms secured through a S106 agreement. While this level of provision is a policy requirement, **significant positive** weight can be afforded to the delivery of affordable housing
- 13.18.4** The development would secure investment and employment at the construction phase, to benefit local people and businesses. An increase in demand for council services from occupants of the development might offset any benefits from increased council tax receipts, but there would also be more expenditure in local services and facilities from new residents. Therefore, the economic benefits of the development carry **moderate positive weight**.
- 13.18.5** The forecast level of biodiversity net gain would be greater than any current development plan or legal target and would result in ecological enhancements. These benefits can be afforded **moderate positive weight**.
- 13.18.6** Improvements to on-site drainage represent a **moderate positive weight** although are largely designed in response to the proposed development rather than explicitly addressing an existing issue
- 13.18.7** The provision of future bus stop along the main highway would enhance and encourage people to use sustainable modes of transport. Therefore, **moderate positive weight** can be afforded to this benefit.
- 13.18.8** **Limited Positive weight** has been given to the commitments towards achieving the optimum use of energy conservation and efficiency measures beyond the requirements of that stipulated within the Council's corporate Interim Climate Change Planning Policy (2021)

Adverse impacts of the development:

- 13.18.9** The development would have a **significant negative effect** on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the NPPF. It would have a significant negative effect on visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area.
- 13.18.10** The proposed development would result in the permanent loss of 2.41 hectares of land area that is defined as the Best and Most Versatile (BMV) agricultural land Grade 3. The development would have a **moderate**

**negative effect** on the provision of agricultural land and result in some conflict with Policy ENV5.

Neutral Factors:

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

Summary:

**13.18.12** It is acknowledged that the 'tilted balance' identified within the Framework is engaged. In the case of this application, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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

**13.18.14** It is considered the proposals are contrary to Policy S7 and GEN1 of the adopted Local Plan and those of Policies FEL/CW1, FEL/CH4 and FEL/HN5 of the Felsted Neighbourhood Plan in regards to the location and harmful impact to the rural character of the site. Furthermore the proposal is considered contrary to ULP policy ENV5 in regards to the site consisting of best and most versatile agricultural land.

**13.19 Q) Other matters**

**13.19.1** 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.

**13.19.2** 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.

**13.19.3** 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

**13.19.4** The LPA is also a statutory consultee and must provide a substantive

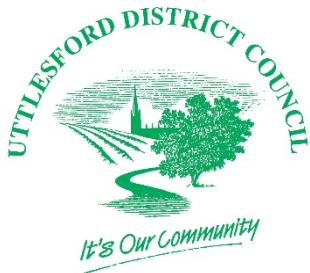
response to the consultation within 21 days, This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

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

## **14**      **CONCLUSION**

- 14.1**      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.
- 14.2**      Following the above assessment and tilted balancing exercise, the harm caused by the proposed development is 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.
- 14.3**      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.

# Agenda Item 8



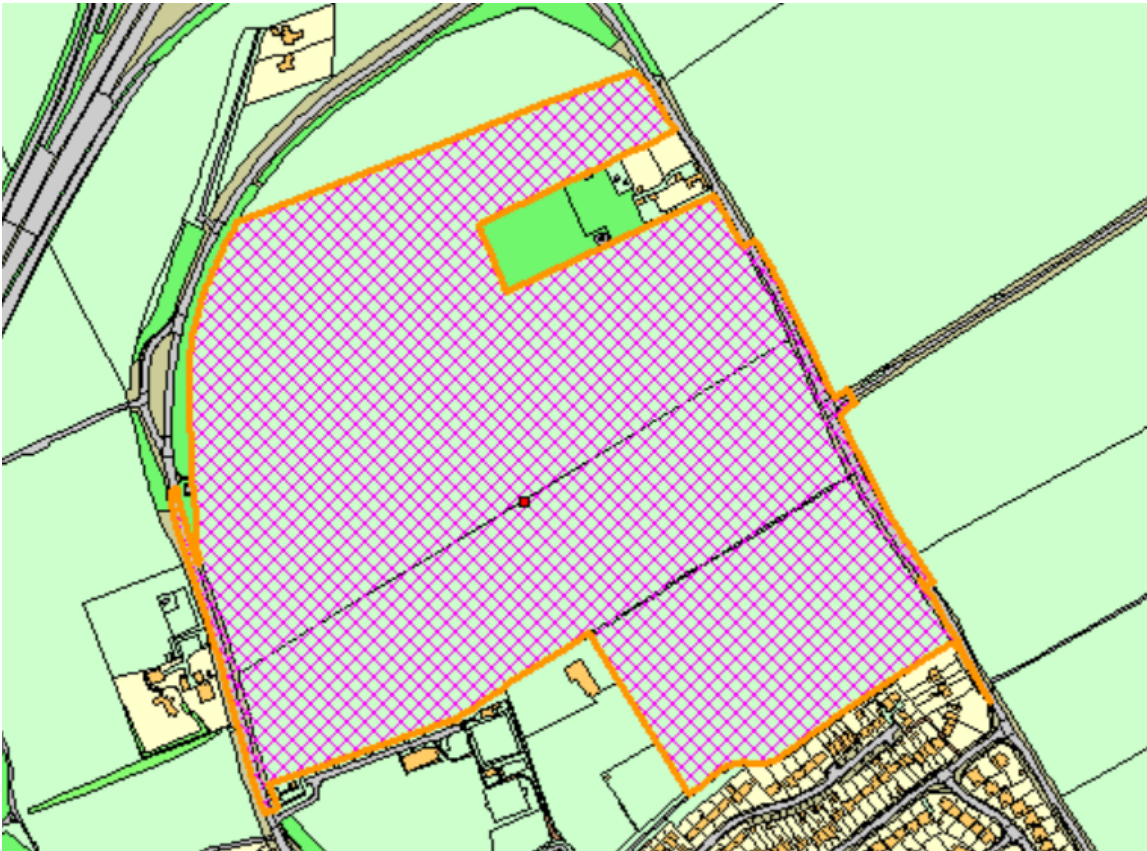
**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** UTT/22/2997/OP

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

**SITE LOCATION PLAN:**



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

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

**APPLICANT:** Catesby Promotions Ltd

**AGENT:** Roebuck Land And Planning Ltd

**EXPIRY DATE:** 23 February 2023

**EOT Expiry Date:** 12 January 2024

**CASE OFFICER:** Mr Lindsay Trevillian

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

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

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## **INTRODUCTION/BACKGROUND**

- 1.1** This application was presented to members on the previous planning committee on 22<sup>nd</sup> November 2023 with a recommendation of refusal for those reasons provided in Section 17 of the report provided below.
- 1.2** At this meeting, members made a resolution to defer the application to allow for additional time for members to review the relevant policies contained within the Great and Little Chesterford Neighbourhood Plan.
- 1.3** No changes have been made to the committee report as per below that was presented to members at the previous committee meeting.

## **1. EXECUTIVE SUMMARY**



- 1.1 Outline planning permission is sought by the Applicant (Catesby Promotions Ltd) for a residential development of up to 350 dwellings, including a Heritage Park, other public open space, up to 50sqm of shop and café floorspace and associated infrastructure on the site known as ‘Land Between Walden Road and Newmarket Road, Great Chesterford, Essex’.
- 1.2 The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Uttlesford District Local Plan and Policy GLCNP/1 of the Great & Little Chesterford Neighbourhood Plan.
- 1.3 Although the Council can demonstrate a 5-year housing land supply (5.14 years), the proposals cannot be tested against a fully up-to-date Development Plan. Thereby paragraph 11 of the NPPF is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.4 The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in maintaining the Council’s housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, opportunities to understand the significance of the heritage assets through a new Heritage Park and open space provision, and new and improved sustainable transport measures. Thus, taken together, weight to the benefits of the development have been considered. Full details of the benefits of the proposals are provided within Section 16 of this report.
- 1.5 Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have significant negative environmental effects. Furthermore, the proposals would inevitably result in significant harm to the setting and experience of the designated heritage assets of the schedule monuments.
- 1.6 Overall, it is considered that the harm to the openness and character of the countryside, and upon the heritage assets from the proposal significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole.

## 2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **REFUSE** f

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the reasons set out in section 17.

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**3. SITE LOCATION AND DESCRIPTION:**

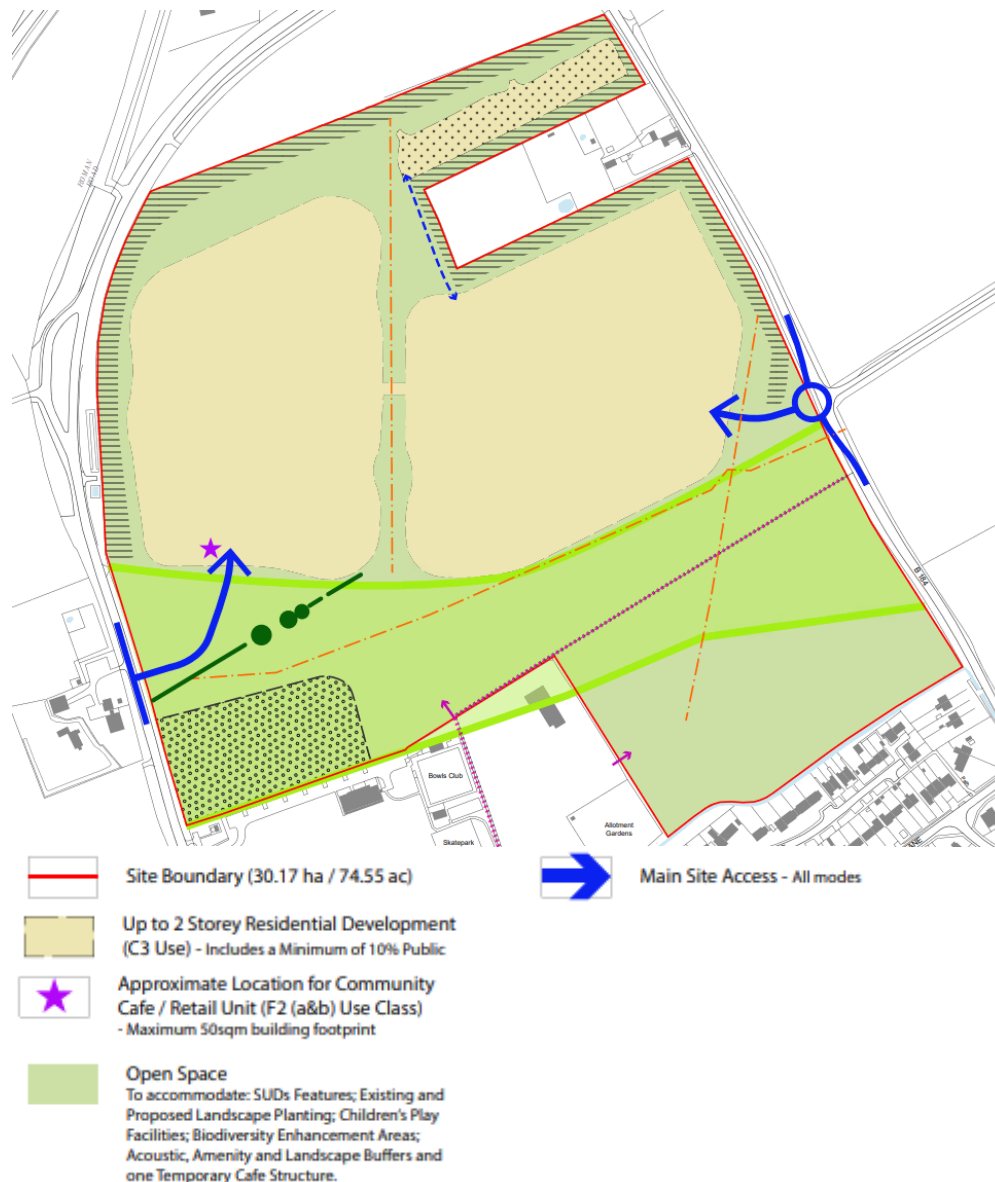
- 3.1** The application site as outlined in red on the supporting site plan dwg ref: 21/04/1 REV C is located to the north of the village of Great Chesterford and is bound by Walden Road (B184) to the east and Newmarket Road (B1383) to the west.
- 3.2** The site is currently split into 3 distinctive fields of varying sizes, all free of any established built form and in arable production. It is irregular in shape as it wraps around the residential curtilage of the dwelling house known as 'The Mill' to the northeast corner with the eastern and western boundaries following the curvature of the highway boundaries. Its topography consists of undulating slopes falling across the site from the north to the south and is approximately 31.16 hectares in size.
- 3.3** Apart from mature vegetation in the form of modest size trees and hedgerows located along a large proportion of the boundaries and between the fields, the site is free of any established vegetation. No vegetation is covered by tree preservation orders.
- 3.4** The site is currently accessed off the Walden Road via a 10m wide agricultural gateway located approximately opposite the junction with Park Road. Access to the site is gained across a wide verge. Public Footpath 17-12 runs east-west through the southern part of the site and along part of the eastern edge connecting into Meadow Road and the Community Centre and recreation ground linking to Walden Road and Park Road to the east via Park Lane.
- 3.5** Chesterford Community Centre, a recreation ground, allotments, a partially built day nursery building, and relatively modern post war development containing residential housing that front onto Hyll Close lies to the south of the site. There is also an existing watercourse to the southern edge along the boundary with Hyll Close. Large fields used for agriculture are located to the east and the M11 is located beyond the site to the northwest. Directly to the west of the site are a number of residential homes sporadically sprawled along Walden Road.
- 3.6** Two Ancient Schedule Monuments lie either within or in close proximity of the application site. The first of these known as 'The Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' partly falls within the southwestern corner of the site and extends to the opposite side of Newmarket Road to the west around the property known as 'Fairacre'. This is a large and complex multi-period scheduled monument, in three parts over 20ha in total size on the northern edge of Great Chesterford. The second Scheduled Monument lies approximately 1km to the east (Romano-Celtic

Temple).

- 3.7** There are no local wildlife or nature conservation designations within, or in proximity to the site. The site is not located within, or adjacent to any conservation areas. There are no listed buildings on or adjacent to the site. The nearest listed building is along Carmen Street to the south of the recreation ground off Newmarket Road. The residential property known as 'The Mills' is a non-designated heritage asset and lies to the northeast of the site.
- 3.8** According to the Environmental Agency's Flood Map for Planning, most of the site is in Flood Zone 1 which is identified as having a low risk of flooding. The southern boundary of the site is within Flood Zones 2 and 3 along the watercourse to the rear of Hyll Close.

#### **4. PROPOSAL**

- 4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The Applicant is seeking approval in principle to develop the site for up to 350 dwellings including a Heritage Park including historical interpretation boards and heritage trail and other public open space, up to 50sqm of a shop and café floorspace (Use Class E/F), sustainable urban drainage systems and associated infrastructure and for the details of Access to be granted consent.
- 4.2** This will leave the approval of the scale, layout, appearance, and landscaping to be decided later when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.3** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.4** The Framework Masterplan as provided in Figure 1 below illustrates and informs the design approach at this outline application stage, particularly in relation to the location of the developable area and open spaces.



**Figure 1: Proposed Framework Masterplan**

**4.5** Residential:

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

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

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

meet the latest Council and Government requirements.

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

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

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

House Type	Market	Affordable Rent, Shared Ownership & First Homes	Total
<b>1 &amp; 2 Bedroom Flats</b>	4	42	46 (13.1%)
<b>1 bedroom bungalow</b>	5	2	7 (2%)
<b>2-bedroom bungalow</b>	6	3	9 (2.6%)
<b>2-bedroom house</b>	9	50	59 (16.9%)
<b>3-bedroom house</b>	93	35	128 (36.6%)
<b>4-bedroom house</b>	68	8	76 (21.7%)
<b>5-bedroom house</b>	25	0	25 (7.1%)
<b>Total</b>	210 (60%)	140 (40%)	350 (100%)

**Table 1: Indicative Housing Mix and Tenure.**

**4.12** The final housing mix will provide a mix of sizes and tenures including bungalows and affordable homes to contribute towards identified local housing needs. This will be determined at reserve matter stage if outline consent is granted.

**4.13** The height of residential development will generally be two storeys, with a some two-and-a-half dwellings. The houses would be a mixture of detached, semi-detached and terrace houses and occasional apartment buildings.

**4.14** Access:

- 4.15** As illustrated in Figure 1 above, two primary site access are proposed. This will involve a new 4-arm priority roundabout to be formalised off Walden Road which will form the principle access and a new priority junction along Newmarket Road which is proposed to be a secondary access. The two access points into the site form part of the details to be considered as part of this outline application.
- 4.16** The two access points will be connected with a spine road extending in an east-west direction. It is envisioned that the spine road will include bus service provision with bus stops. The final configuration of the internal street network will be the subject of detailed design.
- 4.17** Community Shop:
- 4.18** A community café/shop is proposed within the development. As shown in Figure 1 above, it is envisaged this will be located by the park, close to the main access from Newmarket Road to serve the community.
- 4.19** Public Open Space:
- 4.20** Around 17.53 hectares of the Site (58%) will be provided for the accommodation of multi-functional green infrastructure areas. Full details of the type and specifications of the public open space is provided further within this report.
- 4.21** Proposed Off Site Works:
- 4.22** In addition to the on-site works as highlighted above, the following off site works also form part of the proposals:
- 3m wide footway/ cycleway on eastern side of Newmarket Road, between proposed site access and Carmen Street (DTA drawing 22400-01-1D).
  - A new footway of varying width within public highway on Carmen Street, and to the north of the existing wall within Horse Field (DTA drawing 22400-01-1D).
  - New 2m wide footway with dropped kerb tactile paving at Walden Road / High Street/Cow Lane junction (DTA drawing 22400-4) to improve safety of pedestrians crossing Walden Road.
  - Widening of existing footway, to a 3m wide shared footway/ cycleway from Church Street to Station Approach (DTA drawing 22400-07A).
  - New 2m footway along Walden Road (DTA Drawing 22400-08A) between the site access and Jacksons Lane.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** The proposals, subject of this application, do not fall within any

categories of development within Schedule 1 and thus EIA is not required under these provisions. The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs).

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

## 6. **RELEVANT SITE HISTORY**

### 6.1 Planning History:

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

### 6.3 Local Plan Promotion:

- 6.4 The site was submitted to the recent Call for Sites in 2021 and representations were also made to the 2022 Issues and Options non-statutory consultation. At the time of the completion of this report, no details have come forth from the Local Plan Team regarding the promotion of developing the site.

### 6.5 Surrounding Sites:

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

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

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

## 7. **PREAPPLICATION ADVICE AND COMMUNITY CONSULTATION**

### 7.1 Pre-application Discussions:

- 7.2 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of

the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.

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

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

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

**7.6** Great Chesterford Parish Council:

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

**7.8** Community Consultation:

**7.9** The Applicant held a public exhibition of plans on the 26 July 2022. Full details of the consultation exercise conducted is discussed within the supporting Statement of Community Involvement. The Applicant submits that they listened to all views expressed throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

## **8. SUMMARY OF STATUTORY CONSULTÉE RESPONSES**

### **8.1 Highways Agency – No Objection**

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



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

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

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

## **8.2 Highway Authority – No Objections**

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

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

## **8.3 Local Flood Authority – No Objection**

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

## **8.4 Environment Agency – No Objection**

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

## **8.5 Historic England - Object**

**8.5.1** We consider the rural landscape setting of the monuments makes a

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

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

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

## **8.6 Natural England – No objection.**

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

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

## **8.7 Sport England – Object subject to securing obligations**

### **8.7.1 Outdoor Sports Provision:**

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

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

the total demand generated will be equivalent to 1.48 changing rooms which would currently cost £262,776.

**8.7.4**      Indoor Sports Provision:

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

**8.7.5**      Conclusion on Sports Facility Provision:

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

**8.7.7**      Active Design:

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

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

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

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

**8.8.2**      The capital required through developer contribution would form a

proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.

## **8.9 National Health Service – No Objection**

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

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

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

## **9. PARISH COUNCIL COMMENTS**

### **9.1 Great Chesterford Parish Council - Objects**

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

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

### **9.2 South Cambridgeshire District Council – No Objections**

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

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

Great Chesterford.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer – No Objections**

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

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

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

### **10.2 UDC Environmental Health – No Objections**

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

### **10.3 UDC Landscape Officer/Arborist – Objection**

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

**10.3.2** It is clearly evident that the proposal would have significant impact on the existing rural character of the site. The change in landscape character would be particularly obvious in views taken from the B184 Walden Road to the east and the B1383 Newmarket Road to the west, resulting in a medium magnitude/moderate adverse effect. The visual impact of the development in the context of the broader landscape would be relatively limited. However, there is the issue of the impact of the development on the setting and interpretation of the Scheduled Ancient Monuments and their historic relationship in the context of the broad landscape. This has been raised in a detailed objection made by Heritage England. To some extent this impact would be mitigated by the broad open space provision between the new housing and the existing northern edge of the village as indicated in the illustrative masterplan. Overall, the development is judged to have less than substantial harm to the

Scheduled Monuments.

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

**10.4 UDC Urban Designer – No Objection**

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

**10.5 UDC Natural Sciences Officer – No Objection**

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

**10.6 UDC Planning Policy Officer – No Objections**

**10.6.1** Planning Policies officers confirmed at the time of receiving their consultation response that in the absence of a five-year land supply, the tilted balance will apply as part of applying the presumption in favour of sustainable development. As such, there are no policy objections to the site per se, subject to any constraints, for example to the nearby Schedule Ancient Monuments, being capable of suitable mitigation.

**10.6.2** It is likely the site will be considered through the emerging Local Plan process, but that information won’t be available until the Reg 18 consultation later this year.

**10.7 Place Services (Conservation and Heritage) - Object**

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

**10.8 Place Services (Ecology) – No Objections**

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

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

**10.9 Place Services (Archaeology) – No Objections**

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

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

**10.10 ECC Minerals and Waste - No Objections**

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

**10.11 ECC Infrastructure (Education) – No Objections**

**10.11.1** Early Years and Childcare

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

**10.11.3** Primary Education

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

**10.11.5** The education authority proposes two options as mitigation.

**10.11.6** Option A

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

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

**10.11.9** Option B

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

**10.11.11** Secondary Education

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

**10.11.13** School Transport

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

**10.11.15** Libraries

**10.11.16** The suggested population increase brought about by the proposed development is expected to create additional usage. A developer contribution of £27,230.00 is therefore considered necessary to



improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit.

- 10.11.17** In summary, Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on EY&C, Primary School Education, Secondary School Transport and Libraries.

**10.12 Affinity Water – No Objections**

**10.12.1** Water quality:

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

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

**10.12.4** Water efficiency:

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

**10.12.6** Infrastructure connections and diversions:

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

**10.13 Anglian Water – No Objections**

**10.13.1** Assets Affected:

- 10.13.2** Anglian Water has assets close to or crossing this site or there are

assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space

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

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

**10.13.5** Used Water Network:

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

**10.13.7** Wastewater Treatment:

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

**10.13.9** Surface Water Disposal:

**10.13.10** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS). From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

**10.14** **Crime Prevention Officer – No Objections**

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

to walk in off the street or families protect their children from entering the street.

**10.14.2** To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

**10.15 NEOS Network - Comments**

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

**10.16 UK Power Networks - Comments**

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

**10.17 Cadent Gas – No Objections**

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

**10.18 Gigaclear - Comments**

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

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

## 11. **REPRESENTATIONS**

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

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

the village and result in a detrimental impact upon highway safety.

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

## **11.4 Comment**

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

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

## **12.2 The Development Plan**

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

Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **13. POLICY**

### **13.1 National Policies**

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

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

### **13.2 National Planning Policy Guidance**

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

### **13.3 Uttlesford District Plan 2005**

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

**13.3.2** Relevant development plan policies and material considerations:

S7 – The Countryside

GEN1- Access

GEN2 – Design

GEN3 - Flood Protection

GEN4 - Good Neighbourliness

GEN5 - Light Pollution

GEN6 - Infrastructure Provision

GEN7 - Nature Conservation

GEN8 - Vehicle Parking Standards

H9 - Affordable Housing

H10 - Housing Mix

ENV1 - Design of Development within Conservation Areas

ENV3 - Open Space and Trees

ENV4 - Ancient monuments and Sites of Archaeological Importance

ENV5 - Protection of Agricultural Land

ENV10 - Noise Sensitive Development

ENV12 - Noise Generators

ENV13 - Exposure to Poor Air Quality  
ENV14 - Contaminated Land  
LC3 - Community Facilities  
RST1 - Access to Retail and Other Services in Rural Areas

#### **13.4 Great & Little Chesterford Neighbourhood Plan**

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

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

#### **13.5 Supplementary Planning Document or Guidance**

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

#### **13.6 COUNCIL 5-YEAR HOUSING LAND SUPPLY POSITION**

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

#### **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Suitability and Location**
  - C) Countryside Impact**
  - D) Character and Design**
  - E) Heritage**
  - F) Archaeological**
  - G) Loss of Agricultural Land**
  - H) Housing Mix and Tenure**
  - I) Neighbouring Amenity**



- J) Access and Parking**
- K) Landscaping, Arboriculture and Open Space**
- L) Nature Conservation**
- M) Contamination**
- N) Flooding and Drainage**
- O) Planning Obligations**
- P) Other Issues**

**14.3 A) Principle of Development**

**14.3.1** The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). Work has commenced on a new Local Plan, but at the time of preparing this report, this has not yet been released for Regulation 18 Preferred Options consultation and therefore it carries negligible weight when considering the proposed development. As such the relevant saved policies contained within the Local Plan are the most relevant to the assessment of this application. Those of most relevance should be given due weight according to their degree of consistency with the NPPF under paragraph 219.

**14.3.2** The Great and Little Chesterford Neighbourhood Plan was made by UDC in February 2023 and as a result full weight when considering the proposed development is given the policies contained within as per paragraphs 12 to 14 of the NPPF.

**14.3.3** Although the Council can demonstrate a 5YHLS (5.14 years), the proposals cannot be tested against a fully up-to-date Development Plan. Thereby paragraph 11 of the NPPF is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.

**14.3.4** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.

**14.3.5** The “Planning Balance” is undertaken further below in this report, but before doing so a wider assessment of the proposal has been undertaken against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

**14.3.6** The application site is located outside the development limits of Great Chesterford within open countryside and is therefore located within the Countryside where policy S7 applies.

**14.3.7** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that

needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.

**14.3.8** It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy. This should be afforded weight in the planning balance.

**14.3.9** Furthermore, Policy GLCNP/1 'overall spatial strategy' of the Great and Little Chesterford Neighbourhood Plan is to encourage new development to be within development limits of Great Chesterford or to the proposed allocated site at Little Chesterford. It does not restrict new development outside of these areas but refers to that new development in these areas should recognise, preserved, and enhanced the intrinsic rural character of the countryside. This is in general conformity with the NPPF.

**14.3.10** The application site is outside the Great Chesterford Development Limits. However, this does not on its own deem the proposals to be contrary in principle to Policy GLCNP/1 of the Neighbourhood Plan as an assessment is required as to whether any new development would recognise, preserved, and enhanced the intrinsic rural character of the countryside. This assessment is made further below in this report.

**14.3.11** It is acknowledged that previously the site was not considered to be suitable for development as part of the previous 'call for sites' process as part of the withdrawn Local Plan. Although the site was deemed to be available for development, the achievability was uncertain due to the southern edge of the site falling within flood zones 2 & 3 as identified by the Environmental Agency and thereby issues surrounding flooding. Furthermore, concerns were raised with regards to the potential significant harm upon nearby heritage assets as the site contains in part and abuts two schedule monuments.

**14.3.12** Also, at the time of the assessment of the suitability of the site, the site would lie within close proximity to North Uttlesford Garden Community and would lead to reducing the separation of the village and Garden Community. For these reasons, the site was considered unsuitable as development on the site would not contribute to sustainable patterns of development.

**14.3.13** Initial consultation with the Council's policy team has confirmed that

the site had not been fully assessed as part of the most recent 'call for sites' process. However, prior to the submission of this outline application, the Applicant undertook extensive pre-application discussions with the Council, whereby planning policy officers made their initial findings as per below:

- It is a greenfield site.
- It is adjacent to the development limits and adjoins the settlement boundary. It is outside the green belt.
- It does not intersect with the countryside protection zone. • It has reasonable proximity to a special verge.
- The site < 50% intersects with Flood risk zone 2 or 3.
- The site may be affected by noise issues, such as from the major motorway junction
- It is possible that any development could increase movements through the Air Quality Management Area (AQMA) of Saffron Walden.
- The site lies within a Zone 1 groundwater source protection zone.
- It is in close proximity to the Great Chesterford / Little Chesterford B184.
- There is a TPO on site (3/99/05)
- Very close proximity to the Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford, archaeological site.
- The site has a range of accessibility issues for secondary school, six form, hospital, local facilities, by walking, cycling and public transport and access to bus and rail networks.

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

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

#### **14.4 B) Suitability and Location**

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

**14.4.2** Paragraph 7 of the NPPF states that: '*the purpose of the planning system is to contribute to the achievement of sustainable development*'. It identifies that to deliver sustainable development, the planning system must perform three distinct objectives, these

being social, economic, and environmental and that these must be taken collectively in decision making and not in isolation.

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

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

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

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

**14.4.7** Local Amenities and Facilities:

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

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

**Table 2: Amenities and their distance to application site.**

- 14.4.9** The recreation ground accommodates a Scout Hut, cricket oval, a bowls green and associated clubhouse; multi-sports court; a skate park, outdoor gym equipment area and children's playground.
- 14.4.10** In addition to local facilities, there is also a mix of employment opportunities in the village and locally at the 'Chesterford Research Park' and across the Cambridgeshire border to the north at the 'Wellcome Trust Campus' in the neighbouring village of Hinxton.
- 14.4.11** Pedestrian and Cycling:
- 14.4.12** Currently there is an existing footpath along Newmarket Road extending from the southwestern boundary of the site and continues south towards the village centre and linking to Great Chesterford Rail Station. There are also several Public Rights of Way in the vicinity as described in Section 3 of this report.
- 14.4.13** In addition to the existing footpath, it is also proposed to provide various off-site modifications to improve the overall permeability of the site by improving, modifying, and constructing new footpaths as described in paragraph 4.22 of this report.
- 14.4.14** Public Transport:
- 14.4.15** Great Chesterford is served by one regular bus service; the Stagecoach East number 7 runs on an hourly frequency in the peak periods between Cambridge and Saffron Walden. The nearest bus stops to the application site are located on South Street, approximately 800m south of the site, and Ickleton Road, approximately 850m south west of the site. The Ickleton Road bus stop is also served by route 101 operating a return journey on Tuesdays between Whittlesford and Saffron Walden. Service 132 operates every two hours on a Sunday serving places similar to route 7.
- 14.4.16** In addition to the public bus services, there are also two private bus services Chesterford Research Park which includes a morning and evening shuttle bus service to and from Great Chesterford Station. Additionally, the Wellcome Trust Genome Campus to the north of the site and outside of the district also has free campus buses via Great Chesterford Station.
- 14.4.17** The nearest train station is Great Chesterford Rail Station, located approximately 1km southwest of the site and is accessible via footways on Newmarket Road. The West Anglia Main Line serves the station connecting Cambridge to London and trains operate once an hour with additional trains serving Great Chesterford.
- 14.4.18** Other Opportunities:

- 14.4.19** Great Chesterford lies approximately 6.8km northwest of the town of Saffron Waldon. The nearest city is Cambridge, situated approximately 18km northwest. These larger towns would provide further opportunities for future residents of the development to access larger amenities and services to meet their daily requirements.
- 14.4.20** Summary on local amenities and public transport links:
- 14.4.21** It is considered that the site is close to existing services and amenities that are typically required by future residents on a daily basis. The application site is situated within an accessible and sustainable location, close to local amenities and facilities including; schools; retail outlets; health and cultural facilities; sports and recreational fields; and employment opportunities to meet the needs of existing and future occupiers.
- 14.4.22** As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Great Chesterford.
- 14.4.23** Social and Economic Benefits:
- 14.4.24** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.25** The allowance of 50sqm of floorspace for a community café and shop provide jobs for those in the community, supporting local economic activity.
- 14.4.26** The proposals will retain and include large areas of multi-functional green infrastructure areas, including a heritage park and additional areas of public open spaces with recreational play. These areas will help provide social connections and interaction for both existing and future residents and encourage health lifestyles.
- 14.4.27** The development will offer a range of housing types including 40% affordable housing of which 25% will be First Homes. The proposal also provides the opportunity to provide 5% custom/self-build homes which will offer a choice to the housing market. In the context of

maintaining housing supply, the contribution that this site can make through the delivery of up to 350 new market and affordable homes is a positive benefit.

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

Environmental Benefits:

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

- 14.4.30** The provision of measures to protect on-site ecology and enhancement measures to deliver a biodiversity net gain, which also helps reduce the impact of climate change on site habitats. A number of ecological enhancements have been proposed, which would improve the quality of the site for native flora and fauna. Further details are provided in Section 'L' of this report.

- 14.4.31** The opportunity to increase public awareness of the Scheduled Monuments in context through the design and layout of the site as a heritage park will enable a greater appreciation of the Scheduled Monuments.

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

**14.5 C) Countryside Impact**

- 14.5.1** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.

- 14.5.2** Landscape character assessment is not a tool designed to resist all

change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.

**14.5.3** It can be reasonably be perceived that Great Chesterford has developed over time as a nucleated or clustered settlement whereby the development pattern generally contains houses which are grouped closely together, around the central features of the local amenities within the village such as the local church, pubs, and school.

**14.5.4** The application site is located to the north of Great Chesterford and comprises approximately 31 hectares of arable farmland subdivided into three medium-to-large size fields that are generally enclosed by hedgerows and trees. The proposals would be in the surroundings of twentieth century development to the south along Hyll Close, Meadow Road and Jacksons Lane and is separated from the historic centre of the village.

**14.5.5** The site a rural setting and approach to Great Chesterford, and the scenic quality of green space along the historic settlement edge. The site has an open character, with long views to and from Great Chesterfield across the rolling countryside. The importance of views from the historic settlement edge into open countryside across pasture fields to the north are also noted in the Conservation Area Appraisal for Great Chesterford.

**14.5.6** The site is not within any landscape designation and is not part of a valued landscape for the purposes of paragraph 174(a) of the National Planning Policy Framework (NPPF). However, the site is clearly a locally valued landscape for residents and users of the countryside in the surrounding area. The site makes a key contribution to that local value through the public rights of way present, its proximity to the settlement edge and the transitional role between the urban and rural character that it provides.

**14.5.7** Character Assessments:

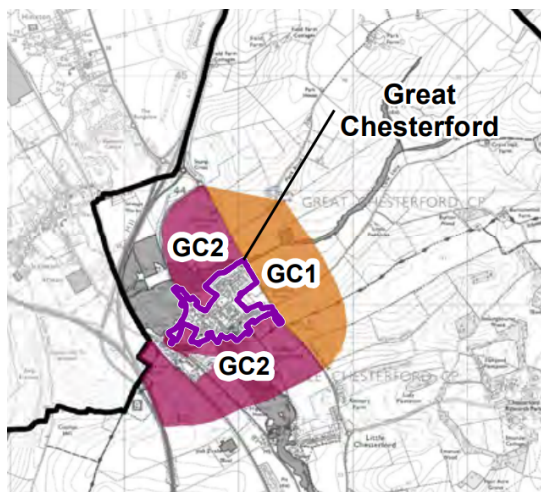
**14.5.8** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous Local Plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

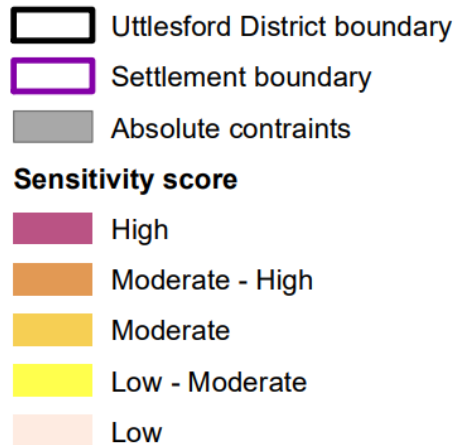
**14.5.9** The site lies within the character area known 'The Cam River



Valley'. The character assessment stipulates that this area is sensitive to change stating:

- 14.5.10** *'Sensitive key characteristics and landscape elements within this character area include the patchwork pattern of pasture and plantation woodlands, which would be sensitive to changes in land management. The open skyline of the valley slopes is visually sensitive, with new development potentially being highly visible within panoramic inter and cross-valley views. Intimate views from lower slopes to the wooded river valley floor and views to the valley sides from adjacent Landscape Character Areas are also sensitive'.*
- 14.5.11** It concludes that overall, this character area has relatively high sensitivity to change.
- 14.5.12** More recently and as part of the preparation of the evidence base for the new Local Plan, the Council commissioned in June 2021 to prepare a 'Landscape Sensitivity Assessment' to consider whether the landscape around towns and villages in the district would be appropriate, as well as sites for new settlements.
- 14.5.13** The purpose of this assessment was to provide a robust and up-to-date evidence base to inform the appropriate scale, form, and location of future development to minimise harm to landscape and the setting of settlements.
- 14.5.14** The overall results of the 'Landscape Sensitivity Assessment' defines the site, identified as GC2, as being a site that is highly sensitive to residential development as shown in Figure 2 below.





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

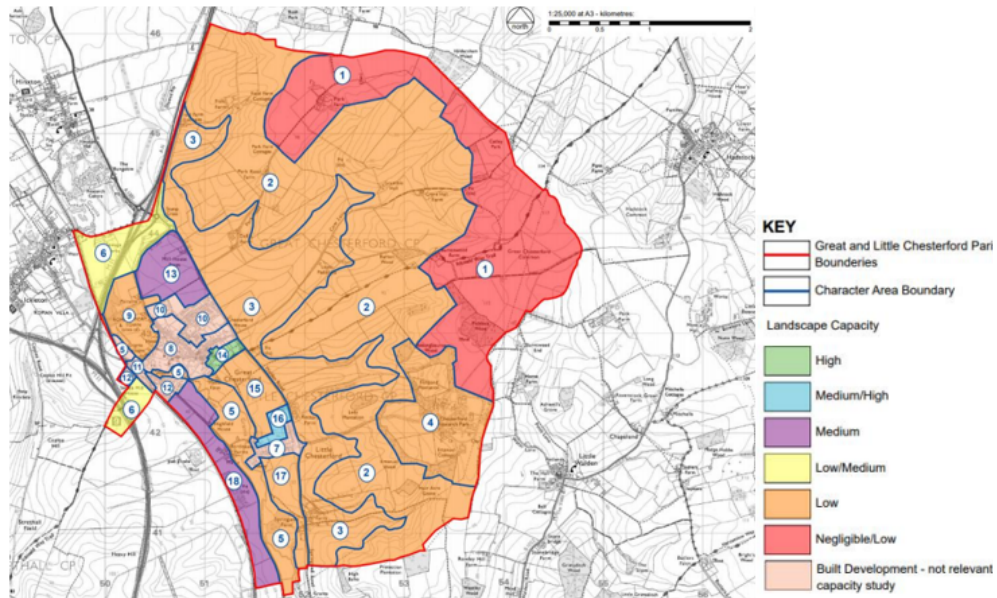
**14.5.15** With regards to Landscape Sensitivity Assessment, it states that the area in which this site falls within is as follows:

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

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

**14.5.18** As confirmed within the Neighbourhood Plan, the report assessed 13 parish character areas and awarded sensitivity and value ratings ranging from major, substantial, moderate to slight. Areas judged to have major or substantial sensitivity or value indicate that development would have a significant detrimental effect on the character of the landscape.

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



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

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

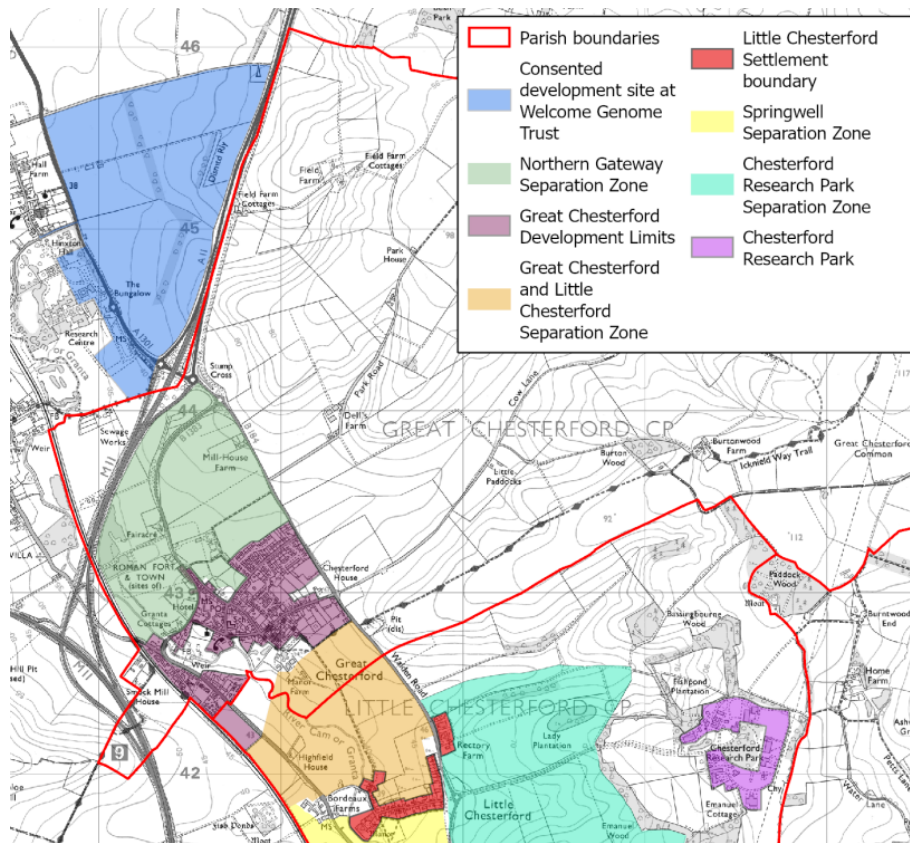
**14.5.21** The Neighbourhood Plan in summary because of the conclusions of the Landscape Character Assessment stipulates that a large proportion of the landscape in and around Great and Little Chesterford parishes has substantial landscape sensitivity and moderate landscape value. Therefore, in a landscape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

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

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

of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

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



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

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

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

**14.5.39** Countryside/landscape Assessment:

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

- 14.5.41**     Experience:
- 14.5.42**     This relates to the importance placed on the experience of the viewer as they move through the landscape of the site and the effect of the proposals on that. Having had regard to the both the Applicant's supporting LVIA and other supporting documentation, and the Council's own character assessments, the site can be assessed as being an open rural landscape.
- 14.5.43**     Users of PRow (Footpath 17\_12) which transitions across the site from east to west generally experience their surroundings of one which is rural with a defined separation of the village to the south and rural open countryside to the north. The site therefore provides an important transitional visual experience of moving from the low density, built form of the Great Chesterford settlement edge to the open rural landscape and countryside. This would be substantially diminished and irrevocably changed by the proposals.
- 14.5.44**     It is acknowledged that the development proposes a large open space area (commonly referred to as the heritage park) within the southern portion of the site, however, it is considered that the scheme would be unlikely to replicate this transitional relationship and experience between the character of the existing settlement edge and the open rural countryside through the proposed development. Therefore, it would result in significant visual harm in terms of how the site and surrounding area is experienced, particularly in terms of that visual and physical transitional role.
- 14.5.45**     Settlement edge:
- 14.5.46**     This relates to the visually soft nature of the settlement edge and the impact of the appeal scheme on it. The proposals would change the character and appearance of the existing settlement edge to the north of Great Chesterford. It is currently viewed as a softened edge due to the low-density housing, community buildings and playing fields screened by mature and substantial trees and large hedgerows. This results in a settlement edge that draws from the features of the landscape and limits or softens the visual and physical contrast between the built form and rural character of the local landscape.
- 14.5.47**     Notwithstanding the indicative open space areas, boundary landscaping, and buffer zones proposed in mitigation along the edge of the application site, it is considered that this would not replicate or suitably replace the softened nature of the settlement edge which already exists.
- 14.5.48**     It is considered that the scheme would not result in coalescence between the village of Great Chesterford and the new development

for a mixed development including 1,500 dwellings near the village of Hinxton and the Wellcome Genome Trust Campus.

- 14.5.49** However, it is considered that the scheme will appear as a substantial extension into the countryside and one which would result in an inappropriate extension visually due to the sloping topography and open character of the landscape. The built form of the development would protrude substantially beyond the existing physical and visual edge of Great Chesterford and at the highest point of the site where the ridgelines of the development would be at their highest.
- 14.5.50** This protrusion would be more visually prominent when viewed from those points to the south owing to the increase in sloping topography of the site from south to north and away from the existing settlement edge and when one views from the site along both Walden and Newmarket Roads. As a result, the existing softened settlement edge would be lost. This would be significantly detrimental to the landscape character and appearance of the site and the local area.
- 14.5.51** As the application seeks outline consent, it is acknowledged that only indicative drawings in relation of the proposed landscaping, scale and layout have been provided. Nonetheless, from this, it is considered that the adverse impact of the scheme on the character of, and the visual change to the settlement edge in short and medium range views from the south, southwest, and southeast, would be significant and unacceptable.
- 14.5.52** Characteristics:
- 14.5.53** This relates to whether the nature of the development would be characteristic of the area and in keeping with the wider settlement and landscape or would lead to the loss of key localised features.
- 14.5.54** The Applicant states that the proposals would predominantly comprise of two storey dwellings. This is illustrated in the indicative sketch drawings submitted as part of the application submission.
- 14.5.55** Existing dwellings adjacent to the site are a mix of individually designed one and two storey properties, particularly along the settlement edge along Hyll Close which are positioned on good sized plots. Moreover, the open rural character of the countryside and landscape and its transitional interaction with the existing settlement are intrinsic aspects of the character of the area to which the site forms a part.
- 14.5.56** As reference above, no details of the finalised proposals for house types, building heights and layouts for the scheme have been submitted. Nonetheless, given the location and proposed scale of



the scheme and noting the illustrative plans and visuals provided, it is not foreseen that the scheme would be out of keeping to the characteristic of, and in keeping with, its existing surroundings in terms of the aspects.

**14.5.57** However, due to the constraints of the site and the need to keep an open aspect/view in the attempt to preserve and enhance the setting of the heritage assets (ancient schedule monuments), there is a need to provide a large expansive open space between the proposed built form to along the northern portion of the site and that of the settlement edge to the south.

**14.5.58** Although the built form of the proposals would not necessarily result in the housing being isolated, it would however provide a level of separation from Great Chesterford village and would reduce the appearance of the development being seen as an extension or one of which forms part of the village.

**14.5.59** The development as such would not be seen to be in-keeping with the existing settlement form and vernacular considering specific local information including the Neighbourhood Plan. The development would have a poor relationship with the existing settlement form/pattern/shape and would adversely affect an existing settlement edge failing to provide a sense of place or distinctiveness.

**14.5.60** New development should relate well to existing form of the settlement shape and form rather than an elongated extension as in this case.

**14.5.61** Therefore, the scheme would be uncharacteristic and discordant with its surroundings in terms of the open rural countryside landscape and the adjacent low-density of individually designed properties present on the existing settlement edge. As such, it would inevitably, but significantly, harm the character of the landscape and surrounding area which would also be partially lost as a result.

**14.5.62** Mitigation:

**14.5.63** This relates to the assessment of whether the mitigation proposed would effectively replicate or replace the intrinsic value of what is an inherently rural site.

**14.5.64** Consideration has been given in respect to the points made by the Applicant by way of mitigation that will limit the inevitable adverse landscape impacts of the scheme and provide facilities and spaces that otherwise would have not been publicly available including the public open spaces, buffer zones, and landscaped corridors.

**14.5.65** However, whilst this and substantial boundary landscaping can be

provided, such measures cannot replicate or adequately replace the loss of value that the site has to the local community as part of an open rural landscape.

**14.5.66** Furthermore, it is regarded that such mitigation as indicated in the application submission would not adequately replicate or replace the key local features and characteristics of the site and its surroundings, including the existing soft settlement edge and its transitional role from low-density settlement edge to open rural landscape.

**14.5.67** Although the site is not part of a designated valued landscape in the terms of the NPPF, it is clearly a locally valued landscape for residents and users of the countryside in the surrounding area. The site makes a key contribution to that local value through the public rights of way present (PRoW 17\_12), its proximity to the settlement edge and the transitional role between the urban and rural character that it provides. It is thereby considered that the local value placed on the site is substantial and the mitigation proposed would not make the impact of the scheme acceptable.

**14.5.68** Summary on landscape character and visual impact:

**14.5.69** Considering the combined assessment of the four themes above, it is regarded that the adverse impact of the scheme on the experience of the site and local area by local people, and the impact it would have on the character of the settlement edge and wider landscape, is significant.

**14.5.70** The presence of dwellings to the northern proportion of the site would appear as an incongruous imposition of built development in the open countryside and would erode the currently gentle transition from the built form of Great Chesterford settlement edge to the open countryside around it.

**14.5.71** Consideration has also been given of the Applicants point that such impacts would be localised and limited to short and medium views from the wider area rather than long distance views. However, the identified impacts as per above are of great significance to those who would be affected most by the scheme and are a material consideration in this application.

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

**14.5.73** Having had regard to the above and all other related landscape matters, it is concluded that that the scheme would have a significant adverse effect on the character and appearance of the surrounding landscape and area. It would not protect or enhance the natural and local environment and would fail to recognise the intrinsic character of the countryside. As a result, the scheme would not comply with to the advice in paragraphs 174(b) and 130(c) in terms of the landscape and visual harm a, Policy S7 of the Uttlesford District Local Plan (as adopted) and Policies GLCNP/1 and GLCNP/2 of the Great and Little Chesterford Neighbourhood Plan. As such, this provides negative weight to the overall planning balance.

#### **14.6 D) Character and Design**

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

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

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

**14.6.4** Layout:

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

**14.6.6** The constraints of the site with the combination of heritage and archaeological features, as well as surface water flooding, public footpath and hedgerows provided limitations to the use of the

southern parts of the site to open space uses only.

- 14.6.7** This open space area is to consist of a heritage park with the majority of this space kept open to retain intervisibility between the Fort and Temple and a central and southern amenity space that will include a network of surfaced and mown paths, integrated drainage basins designed for biodiversity, and the opportunity for extended orchard and allotment provisions.
- 14.6.8** Although this public open space area was intentionally designed around the constraints of the site, and most noticeably due to the need of preserving the transitional cross views of the heritage assets, the Applicant submits that the open space in the southern portion of the site would present an opportunity to extend the established existing community, leisure and recreation uses at the recreation ground into the site forming a much larger parkland area.
- 14.6.9** As with the provision of open space, the illustrative layout and structure of the proposed residential units and community shop within the site has been directly informed by the approach to heritage and landscape constraints.
- 14.6.10** The main built form would be primarily located within the northern portion and comprise of development clusters. A proposed central green routeway corridor positioned between the two main development parcels is to provide landscaping at the heart of the development and would connect the north and public open space areas.
- 14.6.11** Around the periphery of the built form, it is proposed to provide green edges including retained and enhanced boundary planting to help integrate the development into the landscape and to provide a buffer from surrounding highways.
- 14.6.12** A variation in densities between development parcels will be provided across this part of the site to support character, placemaking, and to provide appropriate housing mix requirements.
- 14.6.13** The Applicant submits that the frontage of the buildings will largely follow other development in the vicinity. The new buildings along the internal highways of the development are to be sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings.
- 14.6.14** Passing through the heart of the development area is the main street that serves as the organising spine linking Walden Road and Newmarket Road and providing access to all other streets within the development.

- 14.6.15** The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development, drainage and flooding, and the surrounding historic and natural environment.
- 14.6.16** It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.
- 14.6.17** Scale:
- 14.6.18** The Applicant has applied careful consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment.
- 14.6.19** The Applicant has suggested as per within the supporting Design and Access Statement that the height of residential development will generally be two storeys, with a some two-and-a-half dwellings and single storey bungalows. The houses would be a mixture of detached, semi-detached and terrace houses and occasional apartment buildings.
- 14.6.20** Appearance:
- 14.6.21** The Applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height, and materials and that these will be set out across different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however, the final design and appearance of the proposals would need to be assessed at reserve matter stage.

## **14.7 E) Heritage**

### **14.7.1** Heritage Assets:

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

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

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


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



**LEGEND**

 Site Boundary

**Scheduled Monuments**

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

 Romano Celtic Temple (NHLE1017453)

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

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

**14.7.7** Relevant Policy Consideration:

**14.7.8** Policy ENV4 (Ancient Monuments and Sites of Archaeological Importance) states that where archaeological remains are affected by proposed development there will be a presumption in favour of

their preservation in situ. It further states that the preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology.

- 14.7.9** Policy GLCNP/5 – Historic Environment of the Great Chesterford Neighbourhood Plan stipulates amongst many criterion that development proposals should conserve and enhance the historic environment and take account of the open visibility between the Scheduled Monuments comprising the Roman town and Fort, and the Romano-Celtic Temple and the open aspect of the Romano-Celtic Temple area should both be conserved and that development along Newmarket Road should avoid any significant detrimental impact on views into the designated Scheduled Monuments.
- 14.7.10** The guidance contained within Section 16 of the NPPF, ‘Conserving and enhancing the historic environment’, relates to the historic environment, and developments which may have an effect upon it.
- 14.7.11** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.12** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.13** The Monuments and their Significance:
- 14.7.14** The Applicant has submitted a detailed ‘Landscape and Heritage Appraisal’ prepared by LDA Design (September 2022) which identifies the Monuments & their significance, the contribution the setting makes upon the Monuments and provides an analysis of the opportunities for the site and in conclusion sets out recommendations to inform the master planning and design of the proposed development.
- 14.7.15** The application was consulted to Historic England and the Conservation Officer at Place Services who also like that of the Applicant’s ‘Landscape and Heritage Appraisal’ provides details of

significance of the monuments in their formal consultation response. The summaries contained within the 'Landscape and Heritage Appraisal' and those of the historical officers' assessments are generally similar in respect to the role and significance of the Monuments.

- 14.7.16** Roman fort, Roman town, Roman and Anglo-Saxon cemeteries:
- 14.7.17** The scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' has been recognised as an important archaeological site for over 400 years.
- 14.7.18** The Scheduled Monument comprises three separate areas (parcels) (see Figure 5 above).
- Parcel A is located in the south-western corner of the site, and immediately to the north of Chesterfords Community Centre and car park.
  - Parcel B is located to the south of Parcel A, with a rectangular quarry separating it from
  - Parcel C to the north. Parcel B is immediately south of the site and north-west and west of the built-up area of Great Chesterford.
  - Parcel C is located to the north-west of the site and the built-up area of Great Chesterford, between Newmarket Road and the M11.
- 14.7.19** The Roman fort at Great Chesterford is one of the very rare examples of its type in the south-east of England and it is one of only four in Essex. As one of a small group of Roman military monuments, which are important in representing army strategy and therefore government policy, forts are of particular significance to our understanding of the Roman period.
- 14.7.20** The construction of a fort, and subsequent Roman town, at this location in the 1st century AD was highly strategic – and relates to the topographical significance of this location. The fort occupied an important strategic location in the landscape, from which the movement of people and goods could be managed.
- 14.7.21** The land around the scheduled monument, and especially the remaining open land to the north - the location of the proposed development – is, therefore, particularly important for understanding and also appreciating the siting of the fort in the wider landscape.
- 14.7.22** The Roman fort was deliberately dismantled and incorporated into a substantial enclosed, and later defended, town. The town was surrounded by cemeteries, industrial areas and suburbs. The establishment of the Roman town on the site of the early fort is itself a matter of great interest and illustrates the continuity between



military and civilian rule in the Roman period.

- 14.7.23** The presence of a large pagan Anglo-Saxon cemetery on the north side of the Roman town is also of great significance and offers important insights into the continued settlement and status of the site in the immediate post Roman period. This is situated to the west of the B1383 Newmarket Road, directly opposite the application site, and also part of the scheduled monument. This is one of only a very small number of Anglo-Saxon cemeteries to be scheduled in the country.
- 14.7.24** Romano-Celtic temple:
- 14.7.25** During the Roman period, the major focus of religious observance was located c.800m to the east of the Roman fort and settlement, on the site of an earlier shrine that served the late Iron Age community. This is the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'.
- 14.7.26** The Roman temple is a nationally rare feature in its own right. It is also exceptionally unusual to find one surviving in close proximity to a well-preserved town, to which it quite clearly served, and within an open and undeveloped landscape setting.
- 14.7.27** The Roman temple is situated on rising ground within a side valley that slopes gently upwards and eastwards, away from the River Cam. The temple would have been a prominent reference in the landscape, commanding long views out across the valley and towards the Roman town.
- 14.7.28** These monuments have a particular spatial arrangement, and separation, in the landscape. They are deliberately set some distance apart and they would have been linked by the creation of views that were designed to have a particular, and no doubt powerful, effect on the population. These provide important information for the understanding of this period, and the relationship with the earlier occupation and use of space.
- 14.7.29** Consideration of the contribution of setting to the significance of the scheduled monuments:
- 14.7.30** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. (Parag 199 of the NPPF).
- 14.7.31** Applicants Advice:
- 14.7.32** The Heritage Impact Assessment submitted in support of the application provides an analysis of contributions to the significance of

the monuments.

- 14.7.33** The Assessment concludes that the setting of the scheduled monument Roman fort, Roman town, Roman and Anglo-Saxon cemeteries functions on a number of levels. The relationship between the scheduled monument and the areas of undesignated archaeological assets that make up the remainder of the Roman town, including the western cemetery and south-western cemetery areas, the extra-mural settlement to the south-east and south-west and the second walled enclosure underneath the Church of All Saints and Bishops House also contributes to the setting of the scheduled monument.
- 14.7.34** The Assessment continues to confirm that the strategic position of the temple within the wider rural landscape to the east of the walled town is intentional. The integrity of the setting makes a major positive contribution to the significance of the heritage asset. This aspect of the setting also includes the existing residential development off Jacksons Lane and Hyll Close, which is closer to the temple than the proposed development would be, as well as other structures such as electricity pylons. These modern structures have changed the setting from its original form, but they do not detract from the contribution that the extensive views make to the appreciation of the wider landscape setting of the Romano-Celtic temple c.400m south of Dell's Farm
- 14.7.35** The Assessment concludes that there is a defined relationship between the Roman town and the temple. They were contemporaneous and interlinked. Intervisibility between the temple and walled town would have been more pronounced in the past, without the intervening development in the area of Carmen Street and Jacksons Lane.
- 14.7.36** The Assessment stipulates that this relationship makes a 'moderate to major positive' contribution to both monuments. The views from the temple area back towards the scheduled Roman town make a moderate positive contribution to the ability to experience and appreciate the setting and significance of the relationship between the scheduled temple and the scheduled Roman town including the topographical position of Land at Great Chesterford and the temple in relation to the town and the rural character of the temple's wider setting, including the spacing between the two sites.
- 14.7.37** Historic England Advice:
- 14.7.38** We consider the rural landscape setting of the monuments makes a major contribution to their significance.
- 14.7.39** The two scheduled monuments form part of a fascinating, complex, and multi-layered historic landscape at Great Chesterford. The use,

and importance, of space, on a landscape scale, is critical to the significance and understanding of the scheduled monuments and in shaping their appreciation and understanding today. Both monuments, therefore, draw a considerable amount of significance from how they are experienced, and experienced together, in the landscape.

- 14.7.40** Although the monuments are no longer visible as earthworks or above ground remains, they still retain a landscape setting and context – the surroundings in which an asset is experienced. This is in accordance with the approach set out in Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets.
- 14.7.41** The setting of the scheduled monuments makes a strong positive contribution to their significance. Like other examples of their type in this part of England, the scheduled monuments were constructed in the rural landscape. Whilst field boundaries and roads in this vicinity have changed over time and development has taken place to the south of the scheduled ‘Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford, the fundamental agrarian land use in the vicinity of both the scheduled monuments has remained.
- 14.7.42** The open and rural setting of both scheduled monuments makes a major positive contribution to their significance, in terms of appearance and ambience, and the monuments draw a considerable amount of significance from how they are experienced, and how they relate to each other, in the rural landscape.
- 14.7.43** The landscape character provides a strong sense of open space, with long, uninterrupted views to the north and east of the scheduled ‘Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford’, that enables the strategic nature of the scheduled monument’s location, and it’s place in the landscape, to be readily experienced and appreciated. We consider this is critical to the setting of the monument and critical to how the monument’s strategic position is experienced and appreciated.
- 14.7.44** The scheduled ‘Romano-Celtic temple 400m south of Dell's Farm’ also draws a considerable amount of significance from how it is experienced in the landscape, with long open rural views to the west and towards the scheduled Roman fort and town.
- 14.7.45** The spatial relationship of these scheduled monuments to each other in the rural landscape is a very rare survival. The visual and functional links of these sites, and the rare survival of this relationship, adds to the significance of both within the wider historic landscape.

**14.7.46** It should be acknowledged that the Conservation Officer from Essex County Council in their formal response agreed with the conclusions provided by Historic England in that the proposals would amount to 'less than substantial harm'. However, they did not provide any indication as to severity of the harm in respect to the spectrum of harm.

**14.7.47** Design Response:

**14.7.48** Following the assessment of the significance of the schedule monuments and the contribution of setting to the significance the supporting Heritage Impact Assessment submitted by the Applicant provided three recommendations that should be considered in the final master planning of the site as detailed below:

- Recommendation 1: Southern Limit of Built Development: A maximum southern limit of built development should be established that includes the full extent of the Scheduled area of the Roman fort within the site and that retains an open, green corridor to retain the intervisibility between the site of the Scheduled Roman Town, fort and cemetery in its river valley location and the Scheduled Romano-Celtic temple located on rising land to the east.
- Recommendation 2: Built Form and Grain: The masterplan should be based on a suitably scaled and aligned pattern of streets and spaces that reflects the underlying pattern of historic fields, roads and trackways which themselves reflect the topographic setting of the village. Consideration should be given to making a feature of the alignment of the trackways, with suitable interpretation provided on site.
- Recommendation 3: Heritage Park: The green corridor should include a 'heritage park'. The heritage park will be accessible and provide suitably located interpretation of the Scheduled Roman town, fort and cemeteries and Scheduled Romano-Celtic temple, including their strategic location as well as other sites and features pertinent to the site and context- such as the alignment of prehistoric and historic routes and trackways within the site. The fort should be demarcated to show its location and extent within the heritage park. The park should be open (i.e, not heavily treed or wooded) to respect the prevailing character of the landscape locally and retain the intervisibility of the Scheduled Roman town, fort and cemeteries and the Romano-Celtic temple.

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



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

**14.7.50** Public Benefits:

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

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

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

- Permanent display case in association with Saffron Walden Museum and Cambridge University.
- Museum of Anthropology and Archaeology.

**14.7.53** Impact of the proposals on the historic environment:

**14.7.54** Applicants Conclusion:

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

**14.7.56** Historic England Conclusion:

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

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

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

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

around the fort, defined by the Applicant's archaeological assessment.

- 14.7.61** The location of this proposed access, and the residential development, would be located directly opposite that part of the scheduled monument on the west side of the B1383 Newmarket Road.
- 14.7.62** The loss of the rural landscape to the north of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford' and change of its character, from an open rural landscape to a built environment, would in our view be dramatic.
- 14.7.63** The proposed development would be visually intrusive because it occupies a prominent position within the setting of the scheduled monument that enables its strategic location in the landscape to be readily appreciated. It would, therefore, harm the way it is experienced and appreciated in the landscape, in terms of proximity, location, scale and prominence of the proposed development in relation to the monument.
- 14.7.64** From an open and rural landscape that has existed since late prehistory, it would change to one of built urban form, with new surroundings that would be intrusive and alien. The change would lead to a sustained level of permanent and residual harm.
- 14.7.65** The development would also effectively sandwich the monument between the existing and historic settlement to the south and new residential development to the north. From being situated on the edge of Great Chesterford, where it's strategic location can be readily appreciated, the quantum of the proposed new development on the north side would place the scheduled monument in the centre of the settlement.
- 14.7.66** The proposed residential development would be located to the west and north-west of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. The new access road into the residential development, on the east side, would lead off a new roundabout constructed on the B184 Walden Road, less than 500m to the west of the monument across a large open field. The new development would be located beyond this, to the west and north-west of the scheduled temple and across towards the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford'.
- 14.7.67** We consider the proposed development would harm the significance of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. The proposed development would intrude into the views from the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'. It would harm how this monument is experienced in the rural

landscape. The change would lead to a sustained level of permanent and residual harm.

- 14.7.68** The proposed development would also harm the way the two monuments are experienced and appreciated together in the landscape, which makes a major contribution to their significance. This is because the proposed development would introduce a large quantum of new built urban form into their setting, and between the monuments, which has been an open rural landscape since late prehistory. Again, the change would lead to a sustained level of permanent and residual harm.
- 14.7.69** We do not believe that the design, layout, density, and planting within the proposal would serve to mitigate its effects. Moreover, we do not believe the design of the development is capable of sufficient adjustment to avoid or significantly reduce the harm that we have identified.
- 14.7.70** Placing this in terms of the National Planning Policy Framework (NPPF), we have concluded this would be a severe level of harm, but less than substantial. This harm would be a very considerable disbenefit.
- 14.7.71** We have considered the proposed mitigation in the form of the conservation management plan. We do not believe this is a sufficient heritage benefit to offset the harm that we have identified.
- 14.7.72** Assessment:
- 14.7.73** Annex 2 of the Framework defines setting as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 14.7.74** The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused.
- 14.7.75** The PPG advises that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. It stresses that whilst the extent and importance of setting is often expressed by reference to the visual relationships, other non-visual factors also affect the way in which it is experienced. It goes on to state that this can also include an understanding of the historic



relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the way in which their significance is experienced.

**14.7.76** The site, in conjunction with the adjacent fields, provides a soft, open, and undeveloped edge to schedule monuments. There are hedges/trees and some existing built form which partly interrupt the views between these schedule monuments, but to the passer-by the site and adjacent fields are devoid of buildings, and hence it does not visually compete with the designated heritage assets. The site and other agricultural land adds positively to the significance of the designated heritage assets. In respect to them the proposed development would unacceptably sever the link between such assets and the open landscape setting. The scheme would lead to a significant urbanising effect which would eviscerate the agricultural setting of the open fields and severely curtail its relationship with the wider landscape.

**14.7.77** For the above reasons, it is concluded that the proposed development would not preserve the setting of designated heritage assets. In respect of the harm caused to the designated heritage assets, it would be severe on the spectrum of less than substantial.

**14.7.78** It is agreed that the scheme would not cause direct physical harm to any heritage assets, rather, the disputed level of harm solely relates to how the proposal would affect their setting. The Applicant accepts that “minor adverse effects” level of less than substantial harm would be caused to the setting of the ancient monuments whilst the Council finds that there would be a “severe” harm to their respective settings based on the advice provided by Historic England.

**14.7.79** However, one thing that can be agreed upon is that the proposals would amount to ‘less than substantial’ within the meaning of the Framework.

**14.7.80** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset’s conservation; the more important the asset, the greater that weight should be. (Para. 199 of the NPPF).

**14.7.81** Having established that the harm resulting from the proposed Development is a severe level of ‘less than substantial’, it is then necessary to weigh this level of less than substantial harm against the public benefits of the Proposed Development in accordance with Paragraph 202 of the Framework. Planning Practice Guidance (ID: 18a-020-20190723) explains:

**14.7.82** *“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives*

*as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit”.*

- 14.7.83** To do this in a comprehensive and efficient manner, these benefits as identified in paragraph 14.7.51 alongside the wider planning benefits, need to be set out in full. There would be public benefits arising from the proposal including the provision of affordable homes and the provision of market housing in the context that the LPA is unable to demonstrate a deliverable five-year supply of housing sites. However, neither this, nor the provision of new or retained landscaping, open space areas social and economic benefits would outweigh the ‘less than substantial harm’ caused to the significance of the designated heritage assets. The severe harm that would be caused to the setting of the ancient schedule monuments will nevertheless be weighed in the wider basket of harms within the planning balance.
- 14.7.84** In summary, it is considered that the resulting severe harm to the heritage assets and should be afforded significant (negative) weight in the planning balance. The public benefit should be afforded moderate (positive) weight in the planning balance.
- 14.7.85** Taken together, it is considered that the overall harm that significantly weighs against the scheme and that this would be contrary to policy ENV4 of the Uttlesford District Local Plan and Policy GLCNP/5 of the Great Chesterford Neighbourhood Plan.
- 14.7.86** It is also necessary to consider the impact on the non-designated heritage assets. The Mills is a residential property located along Walden Road and is in separate ownership. It comprises a two-storey flint property with extensive mature gardens/orchard area to the west. The proposed development area would bring built form close to its north and southern boundaries.
- 14.7.87** Unlike designated heritage assets, Paragraph 203 of the Framework only requires a balanced judgement to be reached regarding the scale of any harm and the significance of such assets.
- 14.7.88** It is regarded that any development impacts can be mitigated by the detailed layout and design considerations through future reserved matters stages. The supporting Design and Access Statement includes a design code which sets an appropriate character area for the lower-density custom build plots to the north and the residential parcel to the immediate south of the curtilage of The Mills.

## **114.8 F) Archaeological**

- 14.8.1** With regards to heritage, the latest evidence Uttlesford District Heritage Sensitivity Assessment Stage 1: Towns and Key Villages (October 2021) identifies the site falling within an area as GCA6 (Great Chesterford Roman Town). It concludes within this report:
- 14.8.2** *“This is a highly sensitive historical and archaeological area. Development could result in the loss of national significant archaeological remains. Further archaeological investigation would likely be required ahead of any development to clarify the nature, extent and significance of archaeological in this area. Development in this area could also harm the setting of Great Chesterford Conservation Area and designated heritage assets lying in the village”.*
- 14.8.3** In accordance with Policy ENV4 of the Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, Applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.8.4** The Essex Historic Environment Record indicates that the proposed development is located within a highly sensitive area of archaeological deposits comprising two Scheduled Monuments containing the Roman Town, Roman Fort and Anglo-Saxon cemeteries. These are located on both sides of the development and within the southern half of the application site. The application area contains the north-eastern corner of the Roman fort.
- 14.8.5** An Archaeological Conservation Management Plan, geophysical survey and field evaluation in the form of trial trenching has been submitted in support of the application in relation to the historic environment issues. The evaluation fieldwork comprised the excavation of 166 trenches, the majority of these being 30m by 2m.
- 14.8.6** The evaluation recorded a predominantly agricultural landscape with transit routes to the north and east, two small stock enclosures, a single burial and a probable Roman quarry. Despite its proximity to the Roman town immediately to the west no evidence for the town extending into the study site has been found. Roman and Anglo-Saxon cemeteries are recorded in the immediate vicinity of the study site, however, apart from one burial, no evidence for further burials or cremations was found within any of the trenches. Artefactual and environmental assemblages were limited and of little significance. Two linear features, a holloway and a boundary ditch, are potentially

of a Middle Bronze Age date, with the remainder of the features thought to date to the 1st to 3rd centuries. Limited medieval and post-medieval activity was observed, with an area of gravel quarrying close to Newmarket Road.

**14.8.7** Prior to the submission of the application, it is acknowledged that the Applicant had discussions with Historic Environment Advisor at the County Council about the nature of how the archaeology of this area can be presented to the new and existing community both physically and also via on-site and internet based interpretative material in which the details of this are set out in the Archaeological Conservation Management Plan.

**14.8.8** The application was consulted to Essex County Councils Historic Environment Advisor who acknowledged that a programme of archaeological geophysics was submitted in support of the application which identified a range of features some of which have been found to relate to the Roman town. The geophysics was followed by a programme of trial trenching covering the total development area.

**14.8.9** The Historic Environment Advisor acknowledge that a Conservation Management Plan has been submitted in support of the proposals, however, this has been restricted to the small part of the Roman fort that is located within the Applicant's ownership. As such, the Historic Environment Advisor has suggested that a wider Conservation Management Plan, taking in the scheduled monument outside of the proposal site, and that this is required to be funded by the Applicant to progress a more holistic approach.

**14.8.10** In summary, no objections were raised subject to the imposition of conditions of permission were to be granted to include further details prior to the commencement of works to include a further mitigation strategy detailing the excavation / preservation strategy, a post excavation assessment, further completion of fieldwork, and a Conservation Management Plan to include the long-term preservation and promotion of the Scheduled Monument.

**14.8.11** In summary, it is thereby concluded that the proposals would comply with Policy ENV4 of the Local Plan and the NPPF and that weight should be given to the public heritage benefits that the proposals provide in respect to archaeology.

## **14.9 G) Loss of Agricultural Land**

**14.9.1** Paragraph 174(b) of the Framework, places value on recognising the intrinsic character and beauty of the countryside including best and most versatile agricultural land. The Planning Practice Guidance requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development

proposals.

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

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

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

## **14.10 H) Housing Mix and Tenure**

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

**14.10.2** On 24th May 2021, the Government published a Written Ministerial Statement<sup>1</sup> that set out plans for delivery of a new type of affordable home ownership product called First Homes. First Homes are the Government's preferred discounted market tenure and should account for a minimum 25% of affordable housing secured through planning obligations.

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

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

**14.10.4** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom

market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

**14.10.5** Based on 350 units, the Council housing officer has confirmed that that the proposals should contain 40 affordable and 210 market. The affordable will need to be 98 affordable rent, 35 First Homes, and 7 shared ownerships. Table 1 in this report confirms that indicative housing mix and tenure. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the Applicant refers to the above accommodate needs.

**14.10.6** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 16 bungalows across the whole site delivered as 5 affordable properties and 11 for open market. The Applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix.

#### **14.11 I) Neighbouring Amenity**

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

**14.11.2** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

**14.11.3** However, in respect to layout, it is regarded that the site is well distanced from neighbouring properties adjacent and adjoining site and that the proposals could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.

**14.11.4** In relation to the proposed community building, relevant conditions could be imposed in respect to sound installation, hours of use to prevent unwanted noise and disturbance from this building.

**14.11.5** Furthermore, a condition could be imposed in respect to the submission of a Construction Environmental Management Plan to

ensure that there would not be a significant adverse impact to surround occupiers in relation to noise and disturbance during the construction phase of the development.

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

## **14.12 J) Access and Parking**

**14.12.1** Relevant Policy:

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

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

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

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

**14.12.6** Overview of Road Network:

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

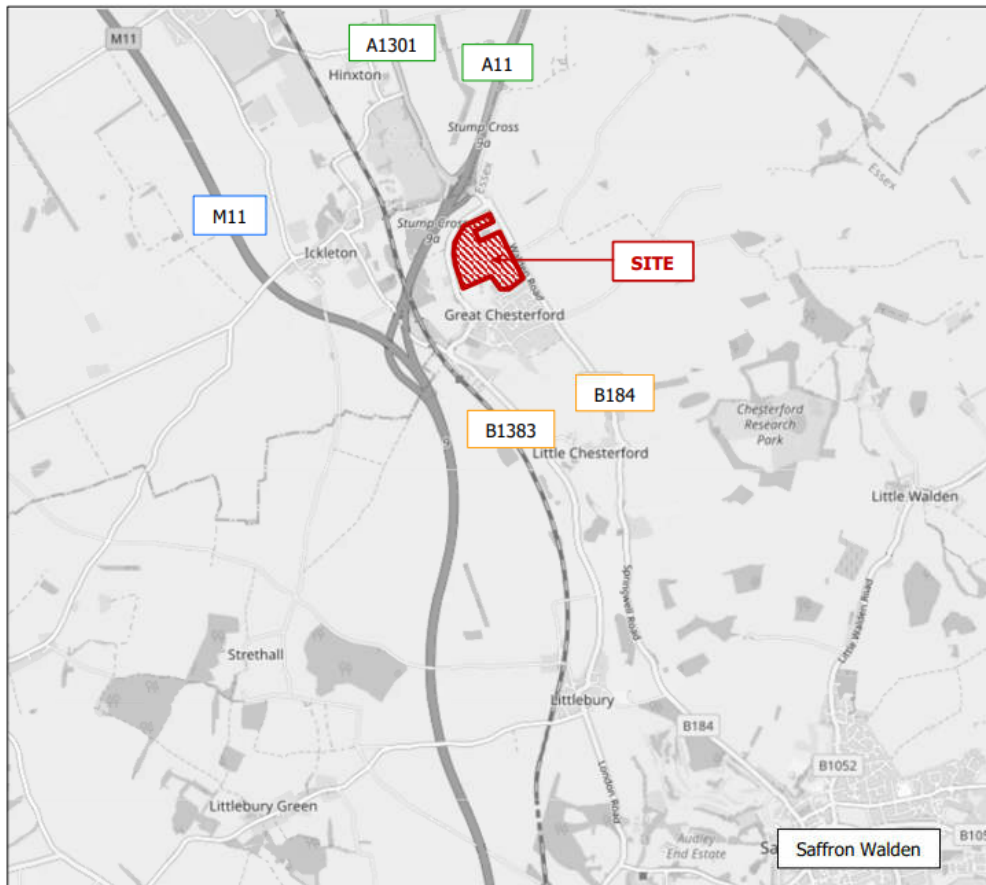
**14.12.8** Walden Road (B184) extends between the town of Saffron Walden



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

**14.12.9** Newmarket Road (B1383) runs broadly parallel to Walden Road and routes in a north-south direction connecting to the M11 J9a via the B184 Stump Cross to the north and Bishop's Stortford to the south. The speed limit at the site frontage is 50mph for vehicles travelling south, reducing to 30mph close to the site's southwestern boundary.

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



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

**14.12.11** Proposed Vehicle Access:

**14.12.12** Vehicular access to the site will be formed on Walden Road and Newmarket Road, as shown on DTA Drawings 22400-01b-1 and 22400-3. The two access points into the site are included in detail for approval as part of the outline application.

- 14.12.13** The principal access will be from Walden Road in the form of a new 4-arm priority roundabout. The junction achieves visibility splays of 2.4m x 160m in both directions. This will also provide a pedestrian refuge for safer crossing of Walden Road to Park Road for Public Footpath 12-17.
- 14.12.14** Secondary access is proposed onto Newmarket Road which comprises of a new simple form priority junction. This will be positioned south of a residential property (named 'Fairacre'). The access arm will be 6.1m wide and incorporate a 10m wide corner kerb. The junction achieves visibility splays 2.4m x 163m to the north and 2.4m x 153m to the south.
- 14.12.15** Both accesses will be appropriately lit and ultimately offered up for formal adoption as part of the public highway network. It is proposed that a development spine road will be constructed through the site connecting both access points.
- 14.12.16** Travel Patterns & Trip Generation:
- 14.12.17** Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking, and the convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.
- 14.12.18** A Transport Assessment (TA) has been prepared by David Tucker Associates and submitted in support of the application, a Highways Technical Note and a Transport Addendum.
- 14.12.19** The Assessment relies on information based on the 2011 Census 'Method of travel to work' which provides data on the travel patterns for residents who live near site. This confirms that 56.6% of the existing population travel to/from work by car, 26.5% by sustainable transport trips, of which 11% are taken by public transport, 9.9% are pedestrians and 1.6% are cycle trips and that a total of 16.1% of residents in the area work from home.
- 14.12.20** The Neighbourhood Plan provided some evidence as to the frequency of the use of public transport links for those who live locally. It confirms that the railway station is frequently or occasionally used by 68% of respondents to the Great Chesterford Survey. However, the bus service between Saffron Walden and Cambridge which stops in the centre of the village of Great Chesterford it is not well used, with 77% of respondents to the Survey saying that they never or hardly ever use it.
- 14.12.21** The Assessment also establish the current traffic levels on the local

road network with Automated Traffic Counts (ATC's) which were undertaken near the proposed site access points on the B184 Walden Road and the B183 Newmarket Road over seven consecutive days starting Monday 7th March 2022.

- 14.12.22** It was established that the results of the surveys showed that the B184 typically caters for circa 1,000 vehicles per hour during weekday peak hours, whilst the B1383 caters for around 500 vehicles per hour during weekday peak hours. This averages to approximately 4-8 vehicles per minute in each direction.
- 14.12.23** It is proposed to develop the site with up to 350 residential dwellings and to predict the likely levels of car trips that the site would generate because of the development, the Assessment has based its calculations on TRICS which is a nationally accepted database and, on the journey, to work data from the 2011 Census.
- 14.12.24** 'Person trip rates' are how many people will be travelling from site. The proposed development as confirmed within the Transport Assessment is predicted to generate 332 people movements from the site in the morning peak and 306 in the afternoon peak hour in which 67.5% of those movement will be 'car drivers'. This results in 224 vehicle movements in the morning and 207 vehicle movements in the afternoon peak times. As a result, it is predicated that 108 people movements will leave the site by other modes, such as public transport, walking and cycling.
- 14.12.25** The Transport Assessment has undertaken an extensive assessment of the impact of the proposed development on the capacity of the surrounding junctions and existing traffic levels. It concludes that there is likely to be a marginal increase on the A11 / M11 J9A Northbound Slips Junction and the B184 High Street / George Street / Abbey Lane which will exceed capacity, however this is not significant.
- 14.12.26** Mitigation and Off-Site Works:
- 14.12.27** The site is generally accessible as detailed in Section B of this report. However, to help improve the overall permeability of the site and to reduce the need for vehicle movements generated from the development as the main option of travel to and from the site, the Applicant has made available several sustainable access and transport measures to be incorporated into the development. The following off site measures is proposed as part of the development:
- 14.12.28**
- 3m wide footway/ cycleway on eastern side of Newmarket Road, between proposed site access and Carmen Street (DTA drawing 22400-01b-1).
  - A new footway of varying width within public highway on Carmen Street, and to the north of the existing wall within Horse Field

(DTA drawing 22400-01b-1).

- New 2m wide footway with dropped kerb tactile paving at Walden Road / High Street/Cow Lane junction (DTA drawing 22400-4) to improve safety of pedestrians crossing Walden Road.
- Widening of existing footway, to a 3m wide shared footway/cycleway from Church Street to Station Approach (DTA drawing 22400-07).
- New 2m footway along Walden Road (DTA Drawing 22400-08) between the site access and Jacksons Lane.

**14.12.29** The proposed development will ensure that good connections are made from the site into the Great Chesterford and throughout the site. The proposals will make walking and cycling a practical choice linking to the range of services and facilities within the village.

**14.12.30** A Travel Plan has been prepared by David Tucker Associates (DTA) to support the application. It aims to reduce the need for unnecessary travel, minimise the number of single occupancy car traffic movements, encourage the use of public transport, cycling, walking and car sharing and provide for those with mobility difficulties. In addition, it aims to monitor travel patterns and identify further opportunities to encourage sustainable modes of travel.

**14.12.31** Based on the objectives and targets set out in the Travel Plan, it is considered that one can reasonably assume that there would be a reduction of the number of vehicle movements generated from the development from 56% to 50% within 5 years of the completion of the development.

**14.12.32** A Travel Plan Co-ordinator (TPC) will be appointed prior to the occupation of the development and be employed continuously for the duration of the Travel Plan which is for the period of five years following 100% occupation.

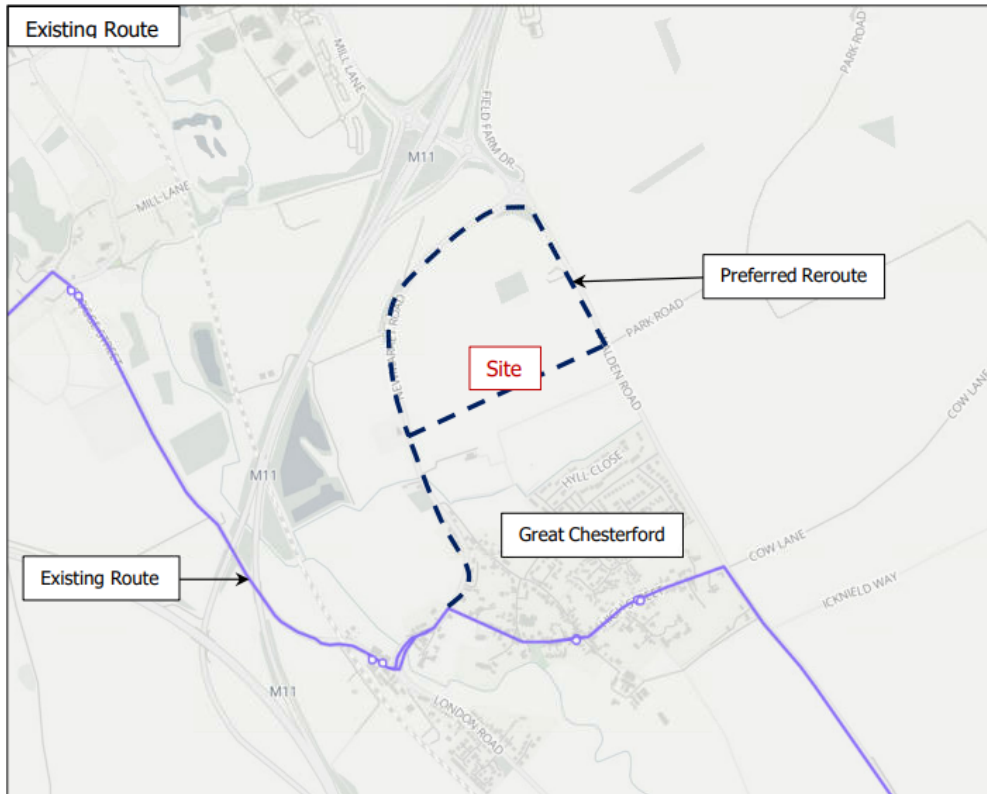
**14.12.33** Proposed Bus Service:

**14.12.34** Great Chesterford is served by one regular bus service; the Stagecoach East number 7 runs on an hourly frequency in the peak periods between Cambridge and Saffron Walden. Currently the nearest set of bus stops to the site are located on South Street, circa 1km south (or circa 13 minutes' walk) of the site.

**14.12.35** The Applicant has confirmed that they have had detailed discussions with Stagecoach who operate the bus service and that it has been agreed in principle to reroute the existing bus service if permission were to be approved.

**14.12.36** As shown in Figure 8 below, the preferred option would be to reroute bus route 7 into the site off Newmarket Road. The service would continue through the site and exit from the eastern access on

Walden Road. From here, the route would travel north, join Newmarket Road and travel south to re-join its existing route on Ickleton Road.



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

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

**14.12.38** Assessment:

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

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

surrounding junctions marginally.

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

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

proposals in accordance with relevant guidance and considered matters of access and safety, capacity, the opportunities for sustainable transport and mitigation measures.

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

connections to public transport and promote active travel, particularly where they are along routes with low levels of vehicular traffic.

**14.12.56** Prioritising pedestrians and cyclists mean creating routes that are safe, direct, convenient, and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that people want to use them. Public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes.

**14.12.57** It is acknowledged that the scheme is seeking permission in principle for the residential development of the site and as such the finer details have not been finalised. However, the Applicant confirms that the internal layout of the site will be designed to provide a road network in which pedestrian and cyclist movements are prioritised, with a series of permeable pedestrian and cycle routes which will connect the entire site. There is no reason to dispute this fact.

**14.12.58** The off-site works also support walking and cycling to key destinations such as the Great Chesterford train station, the village centre and primary school, and nearby local employment centres and provides a wider benefit to the local community. They also enhance the existing network and utilise existing public rights of way which will help people wanting to use them.

**14.12.59** Refuse and Service Vehicles:

**14.12.60** It has been stipulated by the Applicant that the site access points, and the internal road network will be designed to accommodate refuse and emergency vehicles as appropriate to meet servicing standards. Space will be created within the site layout to allow manageable reversing and turning manoeuvres.

**14.12.61** Parking:

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

**14.12.63** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. One visitor space is also required for every 4 residential units. In addition, each dwelling should be provided with at least 1 secure cycle covered space.



- 14.12.64** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the Applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.12.65** The Applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure for each residential unit. The proposed café/retail space will also include this facility.
- 14.12.66** Great Chesterford Special Roadside Verge:
- 14.12.67** Great Chesterford Roadside Verge is on the east side of the B184 Walden Road between located approximately 100m to the south of the site adjacent to the built form of the village. This verge supports species rich chalk grassland and rich flora, and this habitat is now very rare in the UK. The Special Roadside Verges scheme for Essex seeks to safeguard the last verge sites in the county where rare plants still grow.
- 14.12.68** The Councils Natural Science Officer has confirmed that the proposed highway works will not affect the special roadside verge (UTT24A), however, protection will be needed during any period of construction works. If permission is granted, this can be controlled by way of an appropriately worded planning condition.

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

- 14.13.1** Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.
- 14.13.2** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. It is suggested that a high-quality landscape plan be supported in support of the proposals.

**14.13.3**     Arboriculture:

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

**14.13.5**     Open Space:

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

**14.13.7**     Around 17.53 hectares of the Site (58%) will be provided for the accommodation of multi-functional green infrastructure areas.

**14.13.8**     Figure 9 below highlights the illustrative landscape master plan defining the different areas of open space across the site.



**Figure 9: Illustrative Landscape Master Plan.**

- 14.13.9** The main feature is the proposed east-to west 'Heritage Park' as identified as point 1 above. Most of this space will be kept open to retain intervisibility between the schedule monuments of the Fort and the Temple, made up of groups of tree planting on outer edge and provide amenity space events and community activities.
- 14.13.10** To the south of the Heritage Park is an area of amenity open space. This will contrast with the Heritage Park and adjacent Great Chesterford Recreation Ground by being an area offering a more diverse mosaic of trees, scrub, grassland, and wetland as indicated as point 3 above.
- 14.13.11** The main development parcels would be separated by a north-south 'Green Spine' as indicated as point 2 above. The aim is to provide an attractive, multi-functional landscape at the heart of the development. The green spine will be a focus for children's play provision and pedestrian routes.

- 14.13.12** The proposals include a landscape buffer to the north, east and west of the site to maintain a degree of enclosure around the housing parcels and to help integrate the development into the landscape. The open space to the north of the site will consist of community orchards.
- 14.13.13** Recreation:
- 14.13.14** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. Play areas must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained. The Council use guidance from the 'Fields of Trust' in respect to the provision and location of play areas and this should be followed.
- 14.13.15** An indicative play strategy has been designed that provides a policy compliant amount of play space, while also adhering to Fields in Trust guidance for minimum sizes for different types / walking catchments for different types of play spaces.
- 14.13.16** As referred in Figure 10 below, two Local Equipped Area of Play (LEAPs) are proposed within the Green Spine. It is anticipated that these will be timber-based, naturalistic play spaces, ensuring they are well integrated into the landscape. Five incidental play spaces are suggested within and around the development, providing small scale play features equivalent to a LAP that are integrated into the landscape



## **Figure 10: Indicative Childrens Play Strategy.**

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

### **14.14 L) Nature Conservation**

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

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

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

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

**14.14.5** The Assessment confirmed that most habitats on site are generally of limited ecological value, dominated by freshly ploughed arable land. The value of habitats was largely noted in their potential to support a range of protected / priority species and that some trees could offer the potential habitat for a range of nesting birds, roosting bats, and invertebrates.

**14.14.6** It continued to state that there are limited habitats for birds, hazel dormouse, great crested newts, and reptiles on the site, and that there were no badger setts or field signs recorded on the site.

**14.14.7** The Applicant stipulates that the landscape and planting strategy for the proposed development, including the plots, parkland and general amenity areas offers an opportunity to improve the habitats and nature conservation on site from the established agricultural use.

**14.14.8** The submitted Ecological Impact Assessment has calculated that there could be a 41% net gain in habitats and an 88% net gain in linear features (such as hedgerows) via a collection of measures

using the latest Natural England 'metric'. The proposals therefore contribute towards significant biodiversity net gains, well above the NPPF guidance of 10%.

**14.14.9** Place Services ecologist confirmed that they have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

**14.14.10** The Ecologist also confirm that the mitigation measures identified in the Ecological Impact Assessment should be secured and implemented in full. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework.

**14.14.11** It is thereby deemed that it is possible to retain the trees with bat roosting potential and much of the other boundary vegetation. Lighting measures can be sympathetic not just for bats and birds, but other species groups too. Additional planting and the use of bat/bird boxes would provide ecological enhancements. Such measures can be secured by condition as part of a landscape and ecology management plan.

**14.14.12** Therefore, the development would have an acceptable and beneficial effect on ecology and thus the proposed development complies with Policies GEN7 and accords with paragraph 180 of the Framework.

#### **14.15 M) Contamination**

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

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

#### **14.16 N) Flooding and Drainage**

**14.16.1** The NPPF states that inappropriate development in areas of high-

risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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



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

**14.16.3** The NPPF sets out the need of Sequential Testing. The Sequential Test aims to direct new development to areas with the lowest probability of flooding. The development area of the site has been identified as located within Flood Zone 1. It is therefore considered to pass the Sequential Test and the need for Exception Testing is not required.

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

**14.16.5** The scale of the proposals has the potential to cause an increase in

impermeable area, an associated increase in surface water runoff rates and volumes, and a consequent potential increase in downstream flood risk due to overloading of sewers, watercourses, culverts, and other drainage infrastructure. To demonstrate that sewer and surface water flooding is not exacerbated, surface water should be considered within the design of the site. This demonstrates that any additional surface water and overland flows are managed correctly, to minimise flood risk to the site and the surrounding area. The proposed surface water network on the site should be designed to show exceedance of the network has been considered. As this application seeks the development of the site in principle, full details of the design of the SuD's infrastructure to minimise the risk of on site or off-site flood risk has not been finalised.

**14.16.6** In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development incorporates a sustainable drainage system including three large attenuation ponds to the south of the site. To prevent flooding, both on and off-site attenuation and controlled discharge will be utilised to control surface water flows. These features will be designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an additional allowance to account for increase rainfall due to climate change.

**14.16.7** The drainage strategy proposes additional features including permeable paving located on various private roads and parking bay areas and swales are to be utilised alongside roads to convey runoff through the drainage network to the various attenuation features. The exact layout and extents of these features will need to be determined once a more detailed site layout is proposed.

**14.16.8** The application was consulted to both the Environmental Agency and Essex County Council who are the Lead Local Flooding Authority who both confirmed that they have no objections to the proposed development subject to imposing conditions if permission is approved.

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

## **14.17 O) Planning Obligations**

**14.17.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development;



and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

#### 14.17.2 Housing:

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

#### Education:

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

#### Sports Provision:

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

#### Open Space:

- Open Space: the provision of an appropriate amount of open

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

#### Healthcare:

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

#### Highways and Transportation:

- Bus stops: Prior to any occupation the provision of new bus stops on the through road between Walden Road and Newmarket Road shall comprise of (but not limited to) the following facilities: shelters, seating, raised kerbs, bus stop markings, pole, flag and timetable information.
- A financial contribution of **£1,075,000** to fund improvements to enhance bus services between the development and local amenities and/or key towns to improve frequency, quality and geographic cover of bus routes serving the site.
- A financial contribution **£220,000** provided to Stagecoach for year 1 prior to the construction of the 75th dwelling or 2 years whichever is soonest and then **£110,000** for the following 6 months.
- The spine road complete prior to the construction of the 75th dwelling to enable the bus to divert through the site.
- A free month bus pass for residents which is currently **£98**, and they would match a free month, so residents get 2 months free travel.
- Residential Travel Plans. The residential travel plan shall be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 5 years after final occupation. It shall be accompanied by an annual monitoring fee of **£1596.00** per annum (index linked), to be paid to Essex County Council.
- Great Chesterford Cycle Route – A financial contribution to support the delivery of the proposed Great Chesterford Cycle Route Scheme. (Sum to be agreed).

#### Community Centre & Shop/Retail Unit:

- The provision of an on-site building to contain a shop/retail unit (100 square meters floor area) and its future management.

- Great Chesterford Community Centre – Financial contributions towards extension/improvements to the community centre if required (details to be agreed).

Other:

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

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

## **14.18 P) Other Issues**

### **14.18.1** Energy and Sustainability:

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

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

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

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

- Incorporating high efficiency lighting targeting 100% of all light fittings as low energy lighting.
- Use of high efficiency heating systems appropriate to the building use to reduce energy consumption.
- Installation of Mechanical Ventilation and Heat Recovery.
- Use of Waste Water Heat Recovery systems.

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

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

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

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

**14.18.9** The above commitments by the Applicant meet the Council's corporate Interim Climate Change Planning Policy (2021), however, most of these would be required as per the current Building Regulations. As such limited positive wight can be given to the additional measures.

**14.18.10** Air Quality:

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

- 14.18.12** The air quality assessment by RSK concludes that there will be negligible impact from the M11, the site being located 170m at its closet point and well beyond the 100m 'exclusion' zone measured from the centre of the carriageway.
- 14.18.13** having regard to the potential level of increased traffic movements through the AQMA of Saffron Walden, the assessment has considered the construction impacts and the operational impacts of the development, using the predicted number of daily trips set out in the Transport Assessment. The associated impact upon the AQMA would be negligible at all receptor locations.
- 14.18.14** The overall impact in terms of air quality issues is neutral and this is confirmed by the Council's Environmental Health Officer who raised no objections in respect to air quality.
- 14.18.15** Potential Extension to Community Centre:
- 14.18.16** As part of the community consultation prior to the submission of the application, the Applicant confirms that they met with Trustees of the Great Chesterford Community Centre 22<sup>nd</sup> August 2022.
- 14.18.17** It was within this meeting that the Trust explained to the Applicant that Chesterfords Community Centre would be looking at a future extension to the existing Community Centre building in order to accommodate the increased demand due to a much larger village population from this proposed development and also the cumulative effect from the proposed housing developments on London Road.
- 14.18.18** As such, the Applicant has suggested that they are willing to provide a financial contribution to the extension/improvements to the community centre if this is required subject to the Trust providing a feasibility study to demonstrate the additional need and expansion.
- 14.18.19** Subsequently, the Trust commissioned the original Architect, BCR-Infinity Architects, to develop a feasibility study, together with a detailed cost plan for three different options to extend the building.
- 14.18.20** The Applicant has confirmed in their draft Head of Terms contained in the Planning Statement that they are willing to provide contributions towards extension/improvements to the community centre, however the final details would need to be agreed. If such a contribution was secured, this would result in moderate positive benefits in favour of the proposals.

## **15. ADDITIONAL DUTIES**

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

- 15.1.1** The Equality Act 2010 provides protection from discrimination in

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

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

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

## **15.2 Human Rights**

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

## **16. PLANNING BALANCE AND CONCLUSION**

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

**16.2** As a consequence, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

**16.3** Benefits of the development:

**16.4** The development would result the delivery of up to 350 dwellings. The Council can demonstrate a 5-year housing land supply although it is acknowledged that this is marginal and just over the required supply being 5.14 years. The number of dwellings proposed would make a meaningful contribution to maintaining the supply of housing

locally.

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

- 16.13** It is acknowledged that some of the proposed off-site highway improvements are required to mitigate the impacts of the development. However, there are some additional upgrades and improvements to the existing public path network that offer a betterment can be given **limited positive weight**.
- 16.14** **Limited Positive weight** has been given to the commitments towards achieving the optimum use of energy conservation and efficiency measures beyond the requirements of that stipulated within the Council's corporate Interim Climate Change Planning Policy (2021).
- 16.15** Adverse impacts of the development:
- 16.16** The development would have a **significant negative effect** on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the NPPF. It would have a **significant negative effect** on visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area.
- 16.17** For the reasons outline in this report it has been concluded that the setting of the scheduled monuments Roman fort, Roman town, Roman and Anglo-Saxon cemeteries, and the Romano-Celtic temple would result in "severe/significant harm" on the spectrum of 'less than substantial harm'. This harm has a **significant negative weight**.
- 16.18** The proposed development would result in the permanent loss of 31.16 hectares of cultivated land area that is defined as the Best and Most Versatile (BMV) agricultural land Grade 2. The development would have a **moderate negative effect** on the provision of agricultural land and result in some conflict with Policy ENV5.
- 16.19** Neutral Factors:
- 16.20** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include neighbouring amenity, noise, air quality, ground conditions, and arboriculture.
- 16.21** Summary:
- 16.22** It is acknowledged that the 'tilted balance' identified within the



Framework is engaged. In the case of this application, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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

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

## **17. REASONS FOR REFUSAL**

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

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

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

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

The proposed development by way of the construction of 350 dwellings alongside associated works would result in 'less than substantial harm' which is 'significant' on the spectrum of harm. The development would fundamentally change the setting of the scheduled monuments from a rural to an urban context and by way they are experienced and appreciated in the landscape, in terms of proposals proximity, location, scale and prominence in relation to the schedule monuments. The proposed development would also harm the way the two monuments are experienced and appreciated together in the landscape, which makes a major contribution to their significance.

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

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

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



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

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

The Local Planning Authority must also copy any consultation under the 2018 Direction to [PlanningEE@nationalhighways.co.uk](mailto:PlanningEE@nationalhighways.co.uk).

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

#### **Annex A** National Highway's assessment of the proposed development

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

#### **Recommended No Objection**

National Highways offer no objection.

Reason:

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

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

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

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

#### **Informative:**

#### **Standing advice to the local planning authority**

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

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

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

## ECC Highways Authority

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



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

Paul Crick  
Director of Highways and Transportation

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

County Hall  
Chelmsford  
Essex  
CM1 1QH

### Recommendation

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

This application was accompanied by a Transport Assessment (reference DN/SC/22400-04a dated 17/10/2022), a Highways Technical Note (reference DN/SC/22400-06a dated 28/04/2023) and a Transport Addendum (reference DN/SC/22400-11 dated 18/09/2023) which have been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2023 and in particular paragraphs 110-112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures

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

- 1. Construction Management Plan:** no development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - a. vehicle routing,
  - b. the parking of vehicles of site operatives and visitors,
  - c. loading and unloading of plant and materials,
  - d. storage of plant and materials used in constructing the development,
  - e. wheel and underbody washing facilities,
  - f. before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the

developer expense where caused by developer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

12. **Residential Travel Information Packs:** prior to first occupation, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council (to include one months' free bus pass for residents)

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

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

**Informatives:**

- (i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- (ii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority

against such compensation claims, a cash deposit or bond may be required.

- (iii) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- (iv) There shall be no discharge of surface water onto the Highway.
- (v) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway
- (vi) Electric vehicle charging points should be provided in accordance with the policy in the Uttlesford Draft Local Plan.



.....  
pp. Director of Highways and Transportation  
Enquiries to  
Email: [rachel.mckeown@essex.gov.uk](mailto:rachel.mckeown@essex.gov.uk)  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

## ECC Flooding Authority

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



Lindsay Trevillian  
Uttlesford District Council  
Planning Services

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

Dear Ms Trevillian,

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

Thank you for your email received on 16 March 2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

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

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

#### **Reason**

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

#### **Condition 2**

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

#### **Reason**

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

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

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

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

### **Condition 3**

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

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

### **Reason**

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

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

### **Condition 4**

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

### **Reason**

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

We also have the following advisory comments:

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

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

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

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

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

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

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

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

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](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,

**Alison Vaughan, Development and Flood Risk Officer**

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: [www.essex.gov.uk](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.



## Environmental Agency

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

Good morning,

Thank you for your email.

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

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

Kind regards,

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

[Harry.Skinner@environment-agency.gov.uk](mailto:Harry.Skinner@environment-agency.gov.uk)



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

Direct Dial: 01223 582769

Our ref: P01552715

Date: 17 February 2023

Dear Mr Trevillian

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

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

**Summary**

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

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

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

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

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



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

### **Introduction**

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

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

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

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

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

### **Historic England Advice**

#### Significance of the historic environment

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

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



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

Numerous excavations have taken place since the mid-19th century and the results have revealed a site of considerable complexity. A detailed monograph was published on the investigations at Great Chesterford in 2011<sup>1</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Again, this is one of only a very small number of Anglo-Saxon cemeteries to be scheduled in the country. A detailed monograph was published of c.200 Anglo-Saxon burials excavated during the 1950s at Great Chesterford in 1994<sup>2</sup>.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

#### Impact of the proposals on the historic environment

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

#### Additional policy considerations for this proposal

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

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

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

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

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

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

#### Historic England's position

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

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

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

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

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

We do not believe the harm we have identified can be mitigated through, for example, specific (re-) siting of dwellings, infrastructure, new landscaping and/or planting and screening to mitigate the negative impacts that we have identified. In addition, we do not believe the design of the development is capable of sufficient adjustment to avoid or significantly reduce the harm.

### **Conclusion**

Historic England has serious concerns about this proposed development in relation to impact on the significance of two scheduled monuments, 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' and to the west of the scheduled 'Romano-Celtic temple 400m south of Dell's Farm'.

We consider the proposed development would irrevocably alter the openness of the rural landscape setting of the scheduled monuments, that plays a major contribution towards the significance and understanding of these monuments. This would, in our view, result in severe less than substantial harm to the significance of these monuments.

We do not believe that the design, layout, density and planting within the proposal would serve to mitigate its effects. Moreover, we do not believe the design of the development is capable of sufficient adjustment to avoid or significantly reduce the harm that we have identified.

We have also considered the proposed mitigation in the form of the conservation management plan for that part of the scheduled 'Roman fort, Roman town, Roman and Anglo-Saxon cemeteries' within the application site that is c.7% of the total scheduled



monument. We do not believe this is a sufficient heritage benefit to offset the harm that we have identified.

Despite more recent development around Great Chesterford and in neighbouring parts of Cambridgeshire, the integrity of the landscape on this side of the settlement remains relatively intact and we consider this location is particularly sensitive to change. It should, in our view, remain undeveloped to protect the setting and significance of these scheduled monuments.

Historic England considers that the limited contribution of this development would make to the Council's housing targets (2.5%), the indication within the NPPF that impacts can be unacceptable, and the NPPF's promotion of a strategic approach to the provision of new development, raise questions about the justification for this proposal.

We consider other locations in Uttlesford should be identified to undertake development of this type and scale, without harm to these scheduled monuments (or other highly graded heritage assets importance) or other unacceptable or adverse impacts.

We have reviewed our position and, following this, we confirm our position and continue to recommend refusal and formally object to this application.

Please contact me if we can be of further assistance.

Yours sincerely,

**Dr Jess Tipper MCIfA FSA**  
Inspector of Ancient Monuments (Essex and Hertfordshire)  
Email: [Jess.Tipper@HistoricEngland.org.uk](mailto:Jess.Tipper@HistoricEngland.org.uk)

## Natural England

Date: 23 May 2023  
Our ref: 433141  
Your ref: UTT/22/2997/OP

Lindsay Trevillian  
Uttlesford District Council

### BY EMAIL ONLY



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Lindsay Trevillian

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

**Location:** Land Between Walden Road & Newmarket Road, Great Chesterford, Essex

Thank you for your consultation on the above dated 10 May 2023 which was received by Natural England on 10 May 2023

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### Best and Most Versatile Agricultural Land

#### FURTHER INFORMATION REQUIRED – Soils Survey

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of national planning policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in Paragraph 174 of the National Planning Policy Framework, Natural England draws your Authority's attention to the following agricultural land quality and soil considerations:

Based on the information provided with the planning application, it appears that the proposed development comprises approximately 30.17 ha of agricultural land, however no Agricultural Land Surveys have been provided to determine how much of the site is classified as BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website.

National planning policy relevant to agricultural land and soils is set out in Paragraph 174 of the National Planning Policy Framework which states that:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:  
protecting and enhancing [...] soils (in a manner commensurate with their statutory status or identified quality in the development plan);  
recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

Soil is a finite resource which plays an essential role within sustainable ecosystems, supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled.

Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure. Defra has published a [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) which may be helpful when setting planning conditions for development sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed.

The British Society of Soil Science has published the [Guidance Note](#) Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

**Other advice**

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Yours sincerely

Camilla Davidge

Lead Advisor – Land Use Planning  
West Anglia Area Team

## Sports England

**From:** Roy Warren <Roy.Warren@sportengland.org>

**Sent:** 12 December 2022 17:44

**To:** Planning <planning@uttlesford.gov.uk>

**Subject:** [External] Planning Application Reference: UTT/22/2997/OP - Land between Walden Road and Newmarket Road, Walden Road, Great Chesterford

For the attention of Lindsay Trevillian

Dear Mr. Trevillian

**Planning Application Reference: UTT/22/2997/OP - Land between Walden Road and Newmarket Road, Walden Road, Great Chesterford (Sport England Ref: PA/22/E/UT/63268)**

Thank you for consulting Sport England on the above application.

### Summary:

An **objection** is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed provision. This position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a planning obligation, as set out in this response.

A planning condition is **requested** requiring details to be submitted and approved which demonstrate how Active Design principles have been considered in the design and layout of reserved matters applications.

### Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>.

This application falls within the scope of the above guidance as it relates to a residential development of 300 or more dwellings.

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/>

### The Proposal and Assessment against Sport England's Objectives and the NPPF

#### **Residential Development: Community Sports Facility Needs**

##### *Introduction*

I would wish to make comments on the proposals in the application for meeting the community sports facility needs of the proposed residential development. The occupiers of new development, especially residential, will generate demand for community sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new

developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. As advised in paragraph 98 of the NPPF, the level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The proposal comprises an outline planning application for up to 350 dwellings and supporting development on land to the north west of Great Chesterford off Walden Road. The Application Framework and Illustrative Masterplan that have been submitted indicate that a Heritage Park and an area of informal amenity space would be provided to the south of the development. These open spaces are intended for informal recreation, children's play, landscaping, biodiversity and SuDS. No on-site formal open space suitable for playing pitches or games courts for instance is proposed. The population of the proposed development is estimated to be around 865 people based on information provided in the Health Impact Assessment. In this context, I would wish to make the following comments on the community sports provision aspects of the planning application.

#### *Evidence Base*

The evidence base for community sport can be summarised as follows:

- Uttlesford Playing Pitch Strategy (2019): Uttlesford District Council's Playing Pitch Strategy <https://www.uttlesford.gov.uk/article/4942/Infrastructure> provides a robust assessment of current and future outdoor community sports facility needs and has identified a range of quantitative and/or qualitative deficiencies across the district including the Rural sub-area where Great Chesterford is located within. The strategy includes an action plan which sets out priorities for addressing the identified needs.
- Uttlesford Indoor Sports Facility Strategy (2019): Uttlesford District Council's Indoor Sports Facility Strategy <https://www.uttlesford.gov.uk/article/4942/Infrastructure> provides a robust assessment of current and future indoor community sports facility needs and has identified a range of quantitative and/or qualitative deficiencies including an undersupply of sports hall and swimming pool provision in the district. The nearest leisure centre, the Lord Butler Fitness and Leisure Centre in Saffron Walden, is already operating close to capacity and will not be able to address additional demand generated by growth. The strategy includes an action plan which sets out priorities for addressing the identified needs.

In view of the local evidence base context, it is considered that in accordance with Government policy in paragraph 98 of the NPPF, a robust local basis exists for justifying the provision of outdoor and indoor community sports facility provision to be made by this development.

#### *Outdoor Sports Provision*

Sport England and sports governing bodies prefer large multi-pitch/court sites to be provided in new developments. Operators and users of playing fields, particularly local authorities, leisure trusts and sports clubs generally prefer such sites from a management and sports development perspective and they are more sustainable over a long term period. In view of the expected number of dwellings proposed generating less than a single pitch for every sport, securing a financial contribution towards off-site facilities would be considered appropriate as an alternative to on-site provision on this occasion although opportunities to extend the adjoining Great Chesterford Recreation Ground should be explored if feasible. In paragraph 12.5 of the Planning Statement, reference is made off-site contributions towards sports facilities being made and that the improvement of the facilities on the adjoining recreation ground being appropriate. The principle of using a financial contribution towards improving facilities at Great Chesterford Recreation Ground would be acceptable in principle given that the recreation ground provides for a range of sports (football, cricket, bowls and tennis), adjoins the application site and is the only outdoor sports facility in the local area. However, this approach would be subject to the following pre-requisites:

- The scale of the contribution would need to be appropriate and commensurate with the scale of the development. To assist the Council, an estimate of the demand generated for outdoor sports provision can be provided by Sport England's Playing Pitch Calculator strategic planning tool. Local team data from Uttlesford District Council's Playing Pitch Strategy can be applied to the Playing Pitch Calculator which can then assess the demand generated in pitch equivalents (and the associated costs of delivery) by the population generated in a new residential development. I have used the latest version of the calculator for estimating the demand generated by a new population in Uttlesford district 865 and I attach the EXCEL spreadsheet which provides the full data. In summary for natural turf pitches, this development would generate demand for the equivalent of 0.18 adult football pitches, 0.31 youth football pitches (including 9v9), 0.29 mini soccer pitches, 0.07 rugby union pitches and 0.25 cricket pitches. In relation to artificial grass pitches, the calculator estimates the development generates a demand for 0.03 hockey pitches and 0.04 3G football pitches. The total cost of providing these pitches is currently estimated to be £201,429. In terms of changing room provision to support the use of this pitch demand, the calculator estimates that the total demand generated will be equivalent to 1.48 changing rooms which would currently cost £262,776. Consideration should be given by the Council to using the combined pitch and changing room figures from the Playing Pitch Calculator for informing the level of a financial contribution.



- The contribution would need to be ring fenced for delivering identified outdoor sports facility projects in the local area such as the Great Chesterford Recreation Ground. As well as ensuring that the contribution is used towards delivering appropriate projects in the Great Chesterford area that will make a significant contribution towards meeting local needs, this is also necessary to meet the CIL Regulation 122 requirements. To inform off-site options, discussions should take place with Uttlesford District Council's Leisure team, Great Chesterford Parish Council and the sports governing bodies and reference should also be made to the Council's Playing Pitch Strategy to inform how financial contributions should be used.
- The contribution would need to be index-linked and secured through a planning obligation with arrangements made for securing the contribution and delivering the project(s) that the contributions would be used towards within an appropriate timescale.

#### *Indoor Sports Provision*

No specific reference is made in the planning application to how community indoor sports provision would be made to meet the additional needs generated by the development. Sport England's established Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for the principal indoor sports facility types. This tool was used in the Council's Indoor Sports Facility Strategy for estimating future needs associated with population increases. The SFC indicates that a population of 865 in this local authority area will generate a demand for 0.06 sports halls (£157,558), 0.04 swimming pools (£174,846), and 0.01 rinks in an indoor bowls centre (£5,574). The attached WORD document provides more detail of the calculations. Further details of both the Playing Pitch Calculator and the Sports Facilities Calculator are on our website at <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-tools-and-guidance/>.

As indoor sports facilities are strategic facilities that serve large populations and as the population generated by the proposed development in isolation would not be sufficient to justify the provision of a conventional facility on-site in its entirety (see above Sports Facility Calculator figures), provision should be made in the form of a financial contribution towards the provision or improvement of off-site facilities in the local area. Provision should be informed by the District Council's Indoor Sports Facility Strategy and discussions with the Uttlesford District Council's Leisure team and Great Chesterford Parish Council. Consideration should be given by the Council to using the figures from the Sports Facility Calculator for informing the level of a financial contribution. A contribution would need to be index-linked and secured through a section 106 agreement with arrangements made for securing the contribution and delivering the project(s) that the contributions would be used towards within an appropriate timescale.

#### *Conclusion on Sports Facility Provision*

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

#### **Active Design**

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015) <https://www.sportengland.org/facilities-planning/active-design/>, a guide to planning new developments that create the right environment to help people get more active. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design which is consistent with section 8 of the NPPF. Sport England commends the use of the guidance in the master planning process for new residential developments. It should also be noted that the current version of the Essex Design Guide (February 2018) <https://www.essexdesignguide.co.uk/> has embedded the Active Design principles into guide.

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

If the application is approved, to help ensure that designing to encourage physical activity is given appropriate consideration in practice when reserved matters applications are prepared, Sport England would **request** a planning condition to be imposed requiring details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. The Active Design guidance includes a checklist that can be applied to developments and it is recommended that the checklist is used to inform the provision of such details and included in a document such as a Design & Access Statement or Health Impact Assessment. A suggested planning condition is as follows:

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*“For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met.*

*Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy.*

*Informative: Consideration should be given to using the Active Design checklist in Sport England’s Active Design Guidance to assess reserved matters planning applications”*

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the local planning authority and/or the applicant as the determination of the application progresses.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Please contact me if you have any queries.

Yours sincerely

**Roy Warren**  
Planning Manager

**M:** 07769 741137

**F:** 01509 233 192

**E:** [Roy.Warren@sportengland.org](mailto:Roy.Warren@sportengland.org)

## East of England Ambulance Service (NHS Trust)



By Email Only

Mr Mike Huntington  
Planning Services  
Greater Cambridge Shared Planning

**East of England Ambulance Service NHS Trust**  
Hammond Road  
Bedford  
MK41 0RG

Date: 22 December 2022  
Our Ref: 22/05170/CNA/ZM  
Your Ref: 22/05170/CNA

Consultation Response: UTT/22/2997/OP

**Planning Application: 22/05170/CNA**

**Location:** Land Between Walden Road And Newmarket Road Great Chesterford

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

Dear Mr Huntington

1. Thank you for consulting East of England Ambulance Service NHS Trust (EEAST) on the above planning application.
2. Further to a review of the application details the following comments are made in regard to the provision of ambulance services.
3. Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site
  - 3.1 The proposed development will put increasing pressure and demand on EEAST providing nationally set response times for ambulance emergency services around the geographical area associated with the proposed application site (eg Saffron Walden). EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area.
  - 3.2 Any new housing development requires assessment of:
    - Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines
    - The suitable location of existing ambulance station(s) within the locality to meet the increased demand with potential to redevelop or extend and in certain instances relocate to a more suitable location

- Additional medical equipment to manage the increased number of incidents from the growing population in order to maintain mandated ambulance response times and treatment outcomes.
- The need to recruit, train and provide new equipment for additional Community First Responders (CFR) to support the proposed development and the community as a whole
- IT Infrastructure.

3.3 Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £135,226.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional dwellings <sup>1</sup>	Ambulance Cost <sup>3</sup>	Total
350	£386.36	£135,226

1 2.5 persons for each dwelling average as agreed with Uttlesford District Council

2 Calculated from EEAST ambulance data for IDP at £386.36 per dwelling with 2.5 persons per dwelling

3.4 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development. Any funding would be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new community first responders or provide new community responder equipment

3.5 Non-emergency patient transport services are commissioned by Cambridgeshire and Peterborough Integrated Care System to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.

#### 4. Review of Planning Application

4.1 The age profile is important for EEAST and the Integrated Care System, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource. Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

4.2 The change of use from agricultural land to housing will impact on emergency ambulance services.

4.3 EEAST would highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being.

4.4 Where lifts are to be installed EEAST would request these are of a suitable size to enable a patient to be safely transported by stretcher and accompanied by 2 medical personnel

alongside the stretcher (a minimum internal of 2.6m x 1.6m is required).

- 4.5 The impact of flooding significantly affects residents physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.
- 4.6 EEAST would welcome the developers to utilise the catchment of clean and grey water to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse water for gardens, car washing and in community gardens instead of entering main sewers.
- 4.7 In Flood Zone 2 and 3 EEAST request the appropriate the use of swales and other drainage measures to absorb any flood waters and would urge developers ensure measures are taken to minimise the risk of flooding in surrounding areas as well as flood proof homes, garages and other infrastructure.
- 4.8 Where appropriate the use of swales would further reduce any potential risk of flooding. In addition, the use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off is welcomed.
- 4.9 EEAST would welcome the potential for community gardens/planting of orchard trees to support community physical and mental health and well-being. The planting and usage of communal and private terrace (for residents' amenity) are welcomed as these can support physical and mental health and wellbeing and help develop community cohesion.
- 4.10 EEAST supports the central open space and would encourage the developer to consider the establishment of seating in the open spaces and along walkways to provide the opportunity for residents to meet and supports those who have limited mobility to rest.

#### 5. Transport, Design and Access Assessment of Development Impact on Existing Healthcare Provision

- 5.1 EEAST would request the developer ensures cycle parking should allow for different types of cycles to be stored (eg trike, electric), covered, secure and well lit.
- 5.2 It should be noted that EEAST as a blue light emergency service would request the developers support the Vision Zero/Safe System approach to design out road accidents for vehicle occupants, motorcyclists, bicyclists and pedestrians by utilising clear lines of sight, use of appropriate street/road lighting, use the of village gateways on approach to the junctions/roundabout and other opportunities to support speed reduction.
- 5.3 EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light.

#### 6 Conclusion

- 6.1 In its capacity as a healthcare and emergency service EEAST has identified that the development will give rise to a need for additional emergency and non-emergency healthcare provision to mitigate impacts arising from this development and other proposed developments in the local area.
- 6.2 EEAST, together with Cambridgeshire and Peterborough ICB, are keen to work with the developer to ensure that local healthcare services have sufficient investment to continue to meet the needs of existing residents, and also the needs of the additional population that this proposed development under this application will bring. In this way and subject to the specific assurances sought through our response, we look forward to collective working.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Zoë May', written in a cursive style.

Zoë May  
Head of Business Relationships

cc: David Parke, Cambridge & Peterborough ICS  
Uttlesford District Council

# National Health Service



Charter House  
Parkway  
Welwyn Garden City  
Hertfordshire  
AL8 6JL

6 June 2023

[sheila.addison@nhs.net](mailto:sheila.addison@nhs.net)

<https://hertsandwestessex.icb.nhs.uk>

By email:

FAO: Case Officer: Lindsay Trevillian  
Uttlesford District Council

Dear Lindsay,

**Re. Planning Application Consultation: UTT/22/2997/OP - Land Between Walden Road And Newmarket Road Great Chesterford Essex**

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

Thank you for consulting the Hertfordshire and West Essex Integrated Care Board (HWE ICB) on the above-mentioned planning application.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.8m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
- tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
- get the most out of local health and care services and make sure that they are good value for money.

Dr Jane Halpin, Chief Executive

Rt. Hon. Paul Burstow, Chair



- help the NHS support social and economic development in Hertfordshire and west Essex.

#### **Assessment of impact on existing Healthcare Provision**

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision in the vicinity of the development.

This proposed development would deliver 350 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa **840 new patient registrations**.

Within the HWE ICB there are 34 Primary Care Networks (PCNs) across the 14 localities; each covering a population of between circa 27,000 and 68,000 patients. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care. As such a doctors' general practitioners' surgery may include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals. North Uttlesford PCN, under which this development directly falls, has a combined patient registration **list of 41,847** which is growing.

Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: it is the quickest journey, accessible by public transport or is in walking distance), parking provision, especially for families with young children and for older adults.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

As a result of significant growth proposed in Local Plans, the HWE ICB expects applications to close lists to increase. It is therefore important that new developments make a financial contribution to mitigate any primary health care impacts the development will have.

#### **Healthcare Needs Arising from the Proposed Development**

This development will have an impact on primary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the primary health care impacts from this development, has been calculated using a formula based on

Dr Jane Halpin, Chief Executive

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the number of units proposed and does not take into account any existing deficiencies or shortfalls in Great Chesterford and its vicinity, or other development proposals in the area.

**Cost calculation of additional primary healthcare services arising from the development proposal**

840 new patient registrations/2000 = 0.42 of a GP \*GP based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"

0.42 x 199 m<sup>2</sup> = 83.58 m<sup>2</sup> of additional space required

83.58 m<sup>2</sup> x £5,410\* per m<sup>2</sup> = £452,167.80 (\*Build cost; includes fit out and fees)

£452,167.80 / 350 dwellings = £1,291.908 per dwelling (rounded up to £1,292.00 per dwelling)

**Total GMS monies requested: 350 dwellings x £1,292.00 = £452,200.00**

The HWE ICB therefore requests that this sum is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 planning obligation. Trigger points of payment on occupancy of the 75<sup>th</sup>, 150<sup>th</sup> & 275<sup>th</sup> Dwellings is also requested.

Please note, the developer contribution figure referred to in this response is a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus Section 106 monies on Gold Street/School Street Surgeries (main and branch). The ICB are already in discussions with the practice and exploring an increase in capacity by way of re-configuring, extending or relocating the premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open.

In terms of identifying a project in full at this stage for Gold Street/School Street Surgeries, please note:

- All projects are subject to Full Business Case approval by the HWE ICB and NHS England.
- Any commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and which demonstrates value for money.
- All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public

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expectation and indicate a promise of improvements and increased capacity, which are subject to both the above points. Securing developers contributions to all aspects of healthcare is therefore vital.

- A project identified and costed in response to the planning application may not meet the objectives of current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

In conclusion, in its capacity as the primary healthcare commissioner with full delegation from NHS England, the HWE ICB has identified a need for additional primary healthcare provision to mitigate the impacts arising from the proposed development. The cost calculation, set out above are those that the HWE ICB and NHS England deem appropriate having regard to the formulated needs arising from the development.

The HWE ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations, as set out in the NPPF. Further, NHS England and the HWE ICB reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.

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

The HWE ICB looks forward to working with the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of receipt of this letter.

Yours sincerely,

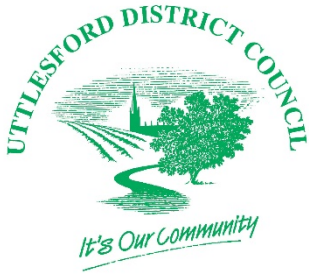


Sue Fogden MRICS LLB (Hons)  
Assistant Director – Premises  
NHS Hertfordshire & West Essex ICB

Dr Jane Halpin, Chief Executive

Rt. Hon. Paul Burstow, Chair





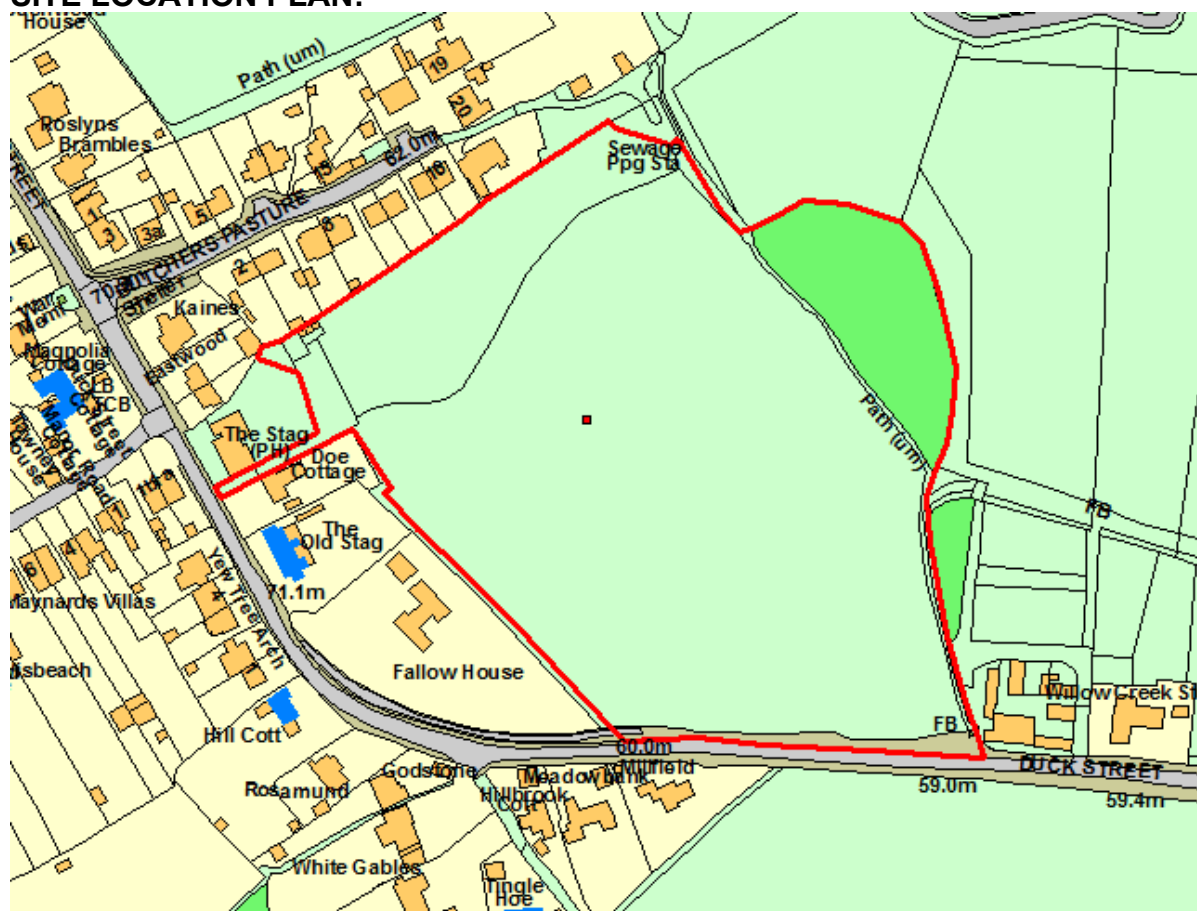
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** UTT/23/1439/FUL

**LOCATION:** Land East of The Stag Inn, Duck Street, Little Easton

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: November 2023

**PROPOSAL:** S73 planning application – variation of conditions 25 (commercial units Class E) and 26 (approved plans) of planning permission UTT/21/1495/FUL to allow amended plans for 44 residential units and 3 commercial units (flexible space); inclusion of 3 additional plots for self- build homes together with associated access, car parking and landscaping

**APPLICANT:** Denbury Homes Ltd

**AGENT:** Mr Peter McKeown

**EXPIRY DATE:** 20 September 2023

**EOT EXPIRY DATE:** 19 January 2024

**CASE OFFICER:** Rachel Beale

**NOTATION:** Outside development limits, PRow, TPOs and Flood Zone 2 on the boundary but not within the site, in the setting of a Grade II listed building

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

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## **1. EXECUTIVE SUMMARY**

- 1.1** This scheme seeks planning permission for 44 residential units and 3 commercial units (flexible space), the inclusion of 3 addition plots for self-build homes, together with associated access, car parking and landscaping.
- 1.2** The amended layout and design of the proposed development is acceptable in all regards and will provide a high-quality form of accommodation for its future residents without harm to the character or appearance of the area, or to amenity or highway safety.

## **2. RECOMMENDATION**

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

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

**And**

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

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site is located on the northern side of Duck Street on the eastern periphery of Little Easton. It is approximately 3 hectares in size, irregular in shape and has a modest slope that falls from east to west.
- 3.2** The site is vacant of any built form and remains open grassland. It has a lawful use to be used for recreational purposes in association with the adjoining public house for no more than 28 days a year.
- 3.3** Extensive vegetation in the form of a hedgerow and a mixture of shrubs and bushes and a variety of tree species is located along the boundaries of the site. An unmade public footpath just inside the northern and eastern boundaries of the site extends from Duck Street to Butchers Paradise.
- 3.4** Dwellings fronting Butchers Paradise back onto the northern boundary of the site. The public house known as The Stag Inn (a grade II listed building) abuts the northwestern boundary of the site along with a thatched cottage known as 'Old Stag'. Duck Street bounds the site to the south whilst 'Willow Creek Stud' abuts it to the east. Modest sized fields are located to the northeast of the site whilst Chelmer River and Bush Wood are located beyond.

**4. PROPOSED DEVELOPMENT**

- 4.1** 44 residential units split between affordable and open market.
- 4.2** 3 employment units.
- 4.3** The residential provision would comprise:

Private homes – 26 units

- 12no. three bed detached houses
- 2no. three bed bungalows
- 7no. four bed detached houses
- 5no. five bed house

Affordable homes – 18 units

- 5no. one bed bungalows
- 2no. two bed bungalows (one M(4) 3 specification)
- 1no. three bed bungalow (M(4) 3 specification)
- 6no. two bed houses
- 4no. three bed houses

4.4 Three of the units are to be self- build units.

4.5 The commercial provision would comprise three units in the northwestern corner of the site, adjacent to The Stag Inn.

4.6 The typologies of the dwellings are predominantly detached with a small number of semi- detached and terraced dwellings proposed, spread across both the open market and affordable elements of the scheme.

4.7 The proposal differs from the approved scheme on the site in the following ways;

- The re- siting of the third commercial unit with the other two units in the northwestern corner of the site;
- The relocation of the self- build plots further within the site;
- The reconfiguration of the southern road;
- Changes to the mix of dwellings, though maintaining the same number of affordable dwellings; and
- Changes to the design and materials of the dwellings

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

## 6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/15/2069/OP	Outline application for a development of up to 65 dwellings with all matters reserved except for access	Refused
UTT/21/1495/FUL	Erection of 44 residential units and 3 commercial units (flexible space), inclusion of 3 additional plots for self- build homes; together with access, car parking and landscaping	Granted

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

7.1 The Council is not aware of any consultation exercise carried out by the applicant in accordance best practice and the Statement of Community Involvement. No pre - application advice has been provided for the development.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

8.1.1 The comments from the Highway Authority will be reported in the Late List or verbally at the committee meeting.

### **8.2 Local Flood Authority**

8.2.1 Having reviewed the Flood Risk Assessment, we do not object to the granting of planning permission, subject to conditions regarding the development be carried out in accordance with the approved Flood Risk Assessment; a scheme to minimise the risk of off- site flooding being submitted to and approved in writing by the Local Planning Authority; maintenance arrangements for the different elements of the surface water drainage system; and the keeping of yearly logs of maintenance for the drainage system.

### **8.3 Historic England**

8.3.1 Historic England provides advice when our engagement can add most value. In this case, we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist archaeological advisors. It is not necessary to consult us on this application again unless there are material changes to the proposals.

## **9. PARISH COUNCIL COMMENTS**

9.1 No comments received.

## **10. CONSULTEE RESPONSES**

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

10.1.1 I support this application as it includes both plot 11 and plot 17 as M4(3) wheelchair user bungalows specifically for two local households upon the Council's Housing Register, identified as requiring this type of property. If approved, this would greatly assist these two families who have members who are wheelchair users.

### **10.2 UDC Environmental Health**

Contaminated land



- 10.2.1** Any contamination risks that may be present on the site must be identified, assessed and where necessary, remediated to a suitable standard. A condition regarding a Phase 1 Desk Study report and where necessary a Phase 2 Site Investigation and as required, a Phase 3 remediation scheme shall be submitted to the Local Planning Authority.

#### Environmental Noise

- 10.2.2** The plan to locate the commercial buildings and parking next to the existing residential properties has the potential to cause a loss of amenity. A noise assessment should be carried out prior to each unit being occupied to ensure that the proposed use is suitable for the location. A noise impact assessment condition is recommended.

#### Construction/ Demolition

- 10.2.3** A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to the neighbouring properties during construction. This may be achieved by condition.

#### External Lighting

- 10.2.4** In view of the rural location of the site, it is essential to ensure any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbouring properties. A condition is recommended.

#### Air Quality

- 10.2.5** The NPPF supports the provision of measures to minimise the impact of development on air quality by encouraging non- car travel and providing infrastructure to support the use of low emissions vehicles. A condition requiring charging points for electric vehicles is requested.

- 10.2.6** Informatives regarding energy saving and renewable technologies are suggested.

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

- 10.3.1** The application site is located to the rear of The Stag Inn, adjacent to which is a Grade II listed cottage, across the road is a Grade II listed house and to north of the site is another Grade II listed house.

I have reviewed the amended details of the scheme. In my opinion, the effect of relocating the third commercial unit to the north west of the site and the other changes will have a neutral effect with regards to the setting of the listed building and thus I have no concerns about these changes.

I note the design of the dwellings has been amended to a more traditional vernacular from the more contemporary design of the approved scheme.

In principle, this is more likely to meet the requirements of paragraph 130 c) of the NPPF, that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and thus I would support this change. I note however, that some details have been provided regarding the proposed materials palette and a proposal for concrete roof tiles. In my opinion, these would be a poor-quality roofing material in this context. A materials condition is suggested.

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

**10.4.1** The response will be reported in the Late List or verbally at the committee meeting.

#### **10.5 Crime Prevention Officer**

**10.5.1** UDC Local Plan Policy GEN2 – Design (d) – states ‘It helps reduce the potential for crime’. Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatment and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving Secured by Design Homes and Commercial awards. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide, ensuring that risk commensurate security is built into each property and the development as a whole benefitting both the residents and the wider community.

#### **10.6 Anglian Water**

##### **10.6.1** Assets

##### Section 1 – Assets Affected

**10.6.2** There are assets owned by Anglian Water or those subject to adoption agreement within or close to the development boundary that may affect the layout of the site.

**10.6.3** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus.

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

easily relocated. Dwellings located within 15m of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

- 10.6.5** The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that n development within 15m from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issue are not created.

#### Wastewater Services

##### Section 2 – Wastewater Treatment

- 10.6.6** The foul drainage from this development is in the catchment of Great Easton (Essex) Water Recycling Centre which currently does not have the capacity to treat the flows from the development site. Anglin Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted.

##### Section 3 – Used Water Network

- 10.6.7** The sewerage system at present has available capacity for these flows to connect by gravity to 0101 or downstream of this. If the developer wishes to connect to our sewerage network, they should serve notice under section 106 of the Water Industry Act 1991. Informatives regarding the intention to connect to the public sewer, the protection of existing assets, building near a public sewer and that the site drainage details have not been approved for the purposes of adoption, should be attached to any permission granted.

##### Section 4 – Surface Water Disposal

- 10.6.8** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to a sewer seen as the last option.
- 10.6.9** From the details submitted, the proposed method of surface water management does not relate to Anglian Water operated assets.

#### **10.7 Aerodrome Safeguarding**

- 10.7.1** We must lodge a holding objection to this variation application because there is insufficient information currently to enable us to determine the level of risk posed by the changes to the SuDS proposals. Further details are required about the proposed single large basin; we need clarity about

how often and for how long this basin is designed to hold water. It may be a larger attractant for waterfowl. Ideally at this location, the drainage basin would be generally dry, holding water only during and immediately after a 1:30 year storm event or greater, with a quick drain down time. If this is not possible, then any areas of permanent or frequent inundation should be kept to a minimum and designed to be as unattractive as possible for hazardous birds.

*Upon requesting clarification of whether MAG would be satisfied for a condition regarding the details of the large basin to be imposed upon any permission granted, they responded;*

We are content to withdraw our holding objection subject to a condition that the SuDS basin is maintained and will not be allowed to clog and thereby hold water over time, in the interests of flight safety and avoiding birdstrike. The other conditions requested for UTT/21/1495/FUL stand and should be conveyed to this variation.

## **11. REPRESENTATIONS**

**11.1** A site notice was displayed on site, the application was advertised in the local press and 151 notifications letters were sent to nearby properties.

### **11.2 Support**

**11.2.1** None.

### **11.3 Object**

**11.3.1** The site is in a flood plain.  
It is only accessible from a narrow pot- holed road with an access on a sharply inclined bend, with poor visibility.  
There are regular sewage outbreaks here.  
It is an unsustainable location with reliance on the private car.  
The commercial units would not survive.  
The variation application is unclear on how many parking spaces would remain for the Stag Inn.  
The siting of all the commercial units in one area of the site would mean that all commercial vehicles would have to traverse the site to reach their destination; additional noise, disturbance and pollution would result.  
The development would harm the village.  
It would result in harm to highway safety and gridlock.  
Why are the commercial units required? What would they be used for?  
There is already demand for more services and facilities in the area: the development will exacerbate this.  
Harm to flora and fauna would result.  
Duck Street has no footpaths other than at Mill End; the traffic arising from the development would increase danger to pedestrians.

Construction traffic would add to the danger and problems caused by this development.

The development would exacerbate the risk of flooding in the area.

Is there a new for more houses here, with so many being built in the area?

#### **11.4 Comment**

**11.4.1** The above representations are addressed in the report.

### **12. MATERIAL CONSIDERATIONS**

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

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

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

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

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

c) any other material considerations.

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

#### **12.4 The Development Plan**

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

Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)  
Great & Little Chesterford Neighbourhood Plan (made February 2023)

### **13. POLICY**

#### **13.1 National Policies**

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

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

**13.2.1** S7 – The Countryside  
GEN1- Access  
GEN2 – Design  
GEN3 -Flood Protection  
GEN4 - Good Neighbourliness  
GEN6 - Infrastructure Provision  
GEN7 - Nature Conservation  
GEN8 - Vehicle Parking Standards  
H1 – Housing Development  
H9 - Affordable Housing  
H10 - Housing Mix  
ENV2 - Development affecting Listed Buildings  
ENV3 - Open Space and Trees  
ENV4 - Ancient monuments and Sites of Archaeological Importance  
ENV14 – Contaminated Land

#### **13.3 Neighbourhood Plan**

**13.3.1** There is not a ‘made’ Neighbourhood Plan for the area.

#### **13.4 Supplementary Planning Document or Guidance**

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

### **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of development**
  - B) Access**
  - C) Design**

- D) Landscaping
- E) Parking standards
- F) Neighbour amenity
- G) Housing mix
- H) Affordable housing
- I) Trees and protected or priority species
- J) Other issues

### **14.3 A) The principle of the development**

**14.3.1** Section 38(6) of the Planning and Compulsory Purchases Act 2004 states planning applications must be determined in accordance with planning policies in the Development Plan unless material considerations indicate otherwise. The policies contained in the National Planning Policy Framework (NPPF) are also a material consideration, particularly where the policies in the Development Plan are considered to be out of date. The NPPF provides the statutory guidance for determining planning applications at a national level. The Development Plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 18 years old and pre-dates the NPPF (2023). Little Easton does not have a Neighbourhood Plan.

**14.3.2** The NPPF emphasises the purpose of the planning system is to contribute to the achievement of sustainable development and sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes in the right place at the right time to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development – economic, social and environmental.

**14.3.3** Paragraph 11d of the NPPF states where there are no relevant Development Plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the Local Planning Authority cannot demonstrate a five year housing land supply), the Local Planning Authority should grant planning permission unless (i) the application of the policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the application; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

**14.3.4** The principle of the development has been established through the grant of the previous permission on the site (ref. UTT/21/1495/FUL). The issues to consider in this application are whether the proposed amendments to the approved scheme on the site is sufficiently different to warrant a different outcome to the application. The differences between the schemes are listed in paragraph 4.7, under the 'Proposed Development',

**14.3.5** The proposed amendments are, within the context of the overall development, limited. The amendments would not have a material impact upon the character and appearance of the development as a whole and would not detract from it. They would not have any greater impact upon the surrounding countryside than the approved scheme, in accordance with Policy S7 of the Local Plan. The sustainability and access considerations surrounding the proposed development would not alter as a result of the amendments to the development on the site. There would be no greater flood risk arising from the development as a result of the proposed amendments to it either while the employment provision would be the same as in the previous scheme. The impact for the adjacent listed buildings would also be acceptable.

**14.3.6** While the Council is now able to demonstrate that it does have a five year housing land supply, this does not mean that an application for housing should be disregarded without full consideration, particularly where the principle of the development has been found acceptable before.

#### **14.4 B) Access**

**14.4.1** Applicants and developer are required to show that their development would not compromise highway safety by ensuring that any additional traffic generated by the development can be easily and safely accommodated within the exiting highway network, and that it can meet the Council's Parking Standards.

**14.4.2** The amended development would use the same access arrangements as the approved scheme, to which the Highway Authority raised no objection at the time of the previous application. The minor amendments to the split of housing across the development (in terms of the market housing; one more three bed house, one less three bed bungalow, four less four bed houses and four more five bed houses; and in terms the affordable housing; one less one bed bungalow and the addition of a two bed bungalow) would not be significant and would not result in a greater demand for parking on the site. The comments of the Highway Authority will be included in the Late List or reported verbally at the committee meeting. Subject to these, no objections are raised to the proposed development with regard to Policies GEN1 or GEN8 of the Local Plan.

#### **14.5 C) Design**

**14.5.1** At the November Planning Committee, Members deferred the application, requesting the applicant provide a more thorough submission to justify the revised approach to the design, and illustrate how the new proposal had been designed to reflect the existing settlement character. Members also wanted assurance that discussions had been held with the local community and Parish Council in developing the revised proposals.

**14.5.2** The application is now supported by a design statement that illustrates how the revised design approach will better reflect the existing vernacular,



referencing design cues, materials and architectural details from existing dwellings to ensure the development will sit sensitively as an extension of the village. As the submitted documents shows, additional discussions were held with Parish Councillors and residents as part of the design evolution and these helped the applicant arrive at a scheme that has been clearly influenced by the surrounding area.

**14.5.3** The NPPF advises that the creation of high- quality buildings and places is an important part of the development process and a key aspect of sustainable development. Paragraph 130 of the NPPF states new developments should ‘function well and add to the overall quality of the area’. Policy GEN2 of the Local Plan states new development will only be permitted if it meets the design criteria contained in the policy and has regard to the advice in the Council’s Supplementary Planning Documents.

**14.5.4** Fundamentally, the design, scale and layout of the proposed development remains as previously approved. The key difference is the change to the appearance, with the designs of the dwellings taking a more traditional approach rather than the previous contemporary style. The scheme would remain at 44 dwellings (26 market and 18 affordable units) and three commercial units.

**14.5.5** No objections are raised to the proposed amendments to approved scheme on the site in terms of design and appearance, in accordance with the NPPF and Policy GEN2 of the Local Plan.

#### **14.6 D) Landscaping**

**14.6.1** A landscaping plan has been submitted with the application and while the comments of the Council’s Landscape Officer have not been received regarding it, it is considered that as the scheme is very similar to that approved at the time of the previous application on the site. No objections are therefore raised under Policy GEN2 and ENV3 of the Local Plan.

#### **14.7 E) Parking Standards**

**14.7.1** Policy GEN8 of the Local Plan requires that development be provided in accordance with the Council’s Adopted Car Parking Standards. The development is to be provided with the required number of car parking spaces per size of dwelling, as well as cycle parking spaces. Visitor car parking spaces are to be provided as well, while 12 spaces would remain for the Stag Inn.

**14.8.1** The proposed development therefore complies with Policy GEN8 of the Local Plan.

#### **14.8 F) Neighbour amenity**

**14.8.1** Policies GEN2 and GEN4 of the Local Plan require development to have an acceptable impact upon the amenities of the occupiers of the

neighbouring and surrounding dwellings in terms of overlooking, overshadowing, loss of light and overbearing impact.

**14.8.2** The amendments to the approved scheme on the site would not result in any adverse neighbour impacts given that the development would be contained within the same site and would not be materially nearer to any of the surrounding properties than the approved development.

**14.8.3** The proposed development therefore complies with Policies GEN2 and GEN4 of the Local Plan.

#### **14.9 G) Housing mix**

**14.9.1** The proposed mix of housing in the amended scheme is not materially different to that in the approved scheme on the site (the differences are laid out in paragraph 14.4.2 above). Given that the mix would not be materially different, it is considered the proposed mix would be acceptable, in accordance with Policy H10 of the Local Plan.

#### **14.10 H) Affordable housing**

**14.10.1** The number of affordable units in the amended scheme is 18, as in the approved scheme on the site. The mix of units has altered only inasmuch as there would be one less one bed bungalow and the provision of a two bed bungalow. It is considered that this minor change to the affordable provision is satisfactory, in accordance with Policy H9 of the Local Plan.

#### **14.11 I) Trees and protected or priority species**

**14.11.1** The site is situated on an east- facing slope which descends towards the south- eastern corner of the site. The site contains grassland and is bordered by hedgerows and individual trees. The comments of the Council's Ecologist will be included in the Late List or reported verbally at the committee meeting. It should be noted that there were no objections in these regards at the time of the previous application on the site.

#### **14.12 J) Other issues**

**14.12.1** A number of objections to the proposed development have been received from the occupiers of some of the nearby and neighbouring properties. A number of these have been addressed in the preceding paragraphs. The others are addressed below.

**14.12.2** Whether there are sewage outbreaks in the area is not known. However, the development would be provided with a suitable drainage system.

**14.12.3** Whether the commercial units would survive or not and their proposed use (other than for being for local businesses) is not an issue for consideration in this application. They were considered acceptable at the time of the previous application on the site. While they would all be located

in the same part of the site rather than being spread further apart as before would result in a greater degree of travelling by the commercial vehicles using the site, this would not be significant in the context of the overall scheme. It is not considered that this would have a material impact upon the levels of noise, disturbance or pollution arising from the development. It is similarly not considered that the development would result in a greater harm to highway safety or gridlock (including arising from construction traffic), over and above the approved scheme on the site.

- 14.12.4** The amended scheme would not have a materially greater impact upon the demand for service and facilities than the approved scheme on the site.

### **14.13 PLANNING BALANCE**

- 14.13.1** It is considered when taking the Framework as a whole, that the benefits of the proposal are considered to outweigh the harm that would be caused to the character of this rural area, and any less than substantial harm to the setting and significance of the Grade II listed building, The Stag Inn.

- 14.13.2** Consideration has been given to paragraph 11 c) I, and footnote 7 of the National Planning Policy Framework in terms of the impacts of the development upon designated heritage assets. Given that the identified harm to assets is in the lower half of the spectrum of harm, this does not give the Local Planning Authority a *clear* reason for refusing the application, and given the identified public benefits as set out, the application can be supported. The 'tilted balance' is in favour of the proposal, including a presumption in favour of sustainable development, as set out in paragraph 14 of the National Planning Policy Framework, which is therefore engaged.

## **15. ADDITIONAL DUTIES**

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

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

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

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

## **15.2 Human Rights**

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

## **16. CONCLUSION**

**16.1** The proposed amendments to the approved scheme on the site would not have a material impact upon the overall scheme, the character of which would not be significantly different to that of the approved scheme. There would be no materially greater impact upon the setting of the nearby listed buildings, upon neighbour amenity or upon the safety and operation of the surrounding highway network. The development would also provide a high-quality living environment for its future occupiers. The level of affordable housing provided would be as in the approved scheme (40%).

**16.2** The application is therefore recommended for approval, subject to the completion of a Section 106 agreement and conditions.

## **17. S106 / CONDITIONS**

### **17.1 S106 Heads of terms**

- (i) Provision of 18 affordable units (to be delivered by Habinteg Housing Association). The proposed tenure split discussed and agreed with the Council's Housing Officer will be based on the following: -
  - 60% affordable rented
  - 40% shared ownership.This is to include two x M4(3) wheelchair user bungalows for families identified by the Council's Housing Officer.
- (ii) Provision and management of public open space.
- (iii) Maintenance of SuDS.
- (iv) Prioritisation of those in need locally (ie. on the Council's waiting list) for the affordable rented element, whilst the first homes/ shared ownership units will also be made available to existing residents/ local people within the Parish boundary during the construction stage.
- (v) Payment of sustainable transport commuted sum contribution of £114,000 (index linked to April 2021) towards a public transport strategy for Little Easton.
- (vi) Delivery and implementation of a Landscape Management Plan

- (vii) Payment of early years, primary and secondary education contributions.
- (viii) Pay the Council's reasonable legal costs.
- (ix) Pay the monitoring fee.

## **17.2 Conditions**

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

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

- 2** Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the Local Planning Authority:
- Retained features
  - New planting
  - Hard surfaces
  - Boundary treatment
- All hard and soft landscape works must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 4** Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 5** Prior to occupation of any dwelling, the provision of an access formed at right angles to Duck Street, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (minimum of 9 metres), two 2-metre-wide footways and clear to ground visibility splays with dimensions of 2.4 metres by 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 6** Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;
- i. Improvements to the existing footway to the north-west of the site access, from the proposed tie in with the existing footway to 'The Old Stag' dwelling, including resurfacing and cutting back of vegetation.
  - ii. Provision of a 2-metre-wide footway (where achievable) along Duck Street from the site access extending eastwards to public footpath no. 26 Little Easton, as shown in principle on DWG no. WIE-14412-SA-95-0037-A01 (Titled - Proposed Frontage Footway link to Public Footpath 26).
  - iii. Cycle Route Enhancements at roundabout with Woodside Way and B184, as shown in principle on lower drawing of 'Off-site enhancements' DWG no. WIE-14412-SA-95-0019-A01.
  - iv. Relocation of the 30mph speed limit (eastwards) to incorporate the development site frontage, including all necessary signing, road markings, Traffic Regulation Orders, as required.
  - v. Any redundant access width adjacent the 'The Stag Inn' public house shall be suitably and permanently closed incorporating the reinstatement to full height of the footway/kerbing.

The highway scheme, to be approved by the Local Planning Authority in consultation with the highway authority, shall be implemented prior to first occupation.

REASON: In the interests of highway safety and accessibility, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 7** Prior to first occupation, the pedestrian/cycle link along the south-east of 'The Stag Inn' public house from the development site to the existing footway network on Duck Street shall be provided and retained in perpetuity.

REASON: In the interests of accessibility, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 8** The width of public footpath no. 7 (Little Easton), for its entire length within the site, must be retained at a minimum of 3 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath, and any surfacing works to be agreed with the Highway Authority.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interests of accessibility and highway safety, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 9** The width of public footpath no. 26 (Little Easton), for its entire length within the site, must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath, and no part of the flood alleviation scheme shall be any closer than 3 metres from the width of the public footpath, and any surfacing works to be agreed with the Highway Authority.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interests of accessibility and highway safety, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 10** Prior to first occupation of the development, a financial contribution of £114,000 (index linked to April 2021) to be paid to the Highway Authority to contribute to a strategy that will enhance local bus services serving Little Easton and the surrounding areas to provide connections to local amenities and/or key towns.

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

- 11** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 12** Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 13** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport opportunities, including walking, cycling, and local car clubs and other alternatives to the private car, as approved by Essex County Council. Such packs should include six one day travel vouchers for use with the relevant local public transport operator.

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

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

- i. Safe access into the site;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel and underbody washing facilities.
- vi. Local highway before and after condition survey and where necessary repairs/reinstatement of the highway (at developers' expense) to the satisfaction of the Highway Authority.
- vii. Appropriate cleaning of the highway in the vicinity of the site.
- viii. The proposed management and protection of the definitive routes of public footpaths no. 7 and no. 26 within the site, and mindful that the route currently used does not wholly coincide with the definitive route.



REASON: To ensure that appropriate facilities are provided for construction operations clear of the highway, to ensure that loose materials and spoil are not brought out onto the highway and appropriate consideration of the public footpaths, in the interests of highway safety, to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 15** No unbound material shall be used in the surface treatment of the highway within 10 metres of the highway boundary.

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

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

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. Alternatively discharge from the site should be limited to Greenfield equivalent rates with inclusion of Long-Term Storage (LTS) as stated in SuDS Design Guide. All relevant permissions to discharge from the site into any outfall should be demonstrated.

Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. Where the half drain time cannot achieve within 24 hours it should be shown that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change. Final modelling and calculations for all areas of the drainage system.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

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

REASON: The National Planning Policy Framework states that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged.

Furthermore, the removal of topsoil's during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

- 18** Prior to occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. This condition is in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the National Planning Policy Framework (2023).

- 20** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology, April 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 21** Prior to slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Hybrid Ecology, April 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and priority species and allow the Local Planning Authority to discharge its duties under the s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species), in accordance with Uttlesford Local Plan (2005) Policy GEN7.

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

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

REASON: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species), in accordance with Uttlesford Local Plan (2005) Policy GEN7.

- 23** A Traffic Noise Assessment, including the cumulative impact from vehicles, accessing/ egressing the proposed development, shall be submitted to and approved by the Local Planning Authority. The assessment should consider the advice contained in the Design Manual For Roads and Bridges, LA 111 Noise and vibration and Guidelines for Noise Impact Assessment from the Institute of Environmental Management and Assessment (IEMA) 2014, as appropriate. It is considered that if the outcome of the assessment is greater than slight, this would be considered unacceptable and further mitigation measures would be required.

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

- 24**
- a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
  - b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes;
    - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and
    - (ii) The results from the application of an appropriate risk assessment Methodology
  - c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority
  - d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

The verification report shall include disposal records, waste transfer receipts etc, to ensure that all waste disposal is traceable.

- e) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

- 26** Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:
  - 1) Demolition, construction and phasing programme.
  - 2) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
  - 3) Construction/ Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300

hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.

- 4) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- 5) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- 6) Maximum noise mitigation levels for construction equipment, plant and vehicles.
- 7) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
- 8) Prohibition of the burning of waste on site during demolition/ construction.
- 9) Site lighting.
- 10) Screening and hoarding details.
- 11) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- 12) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- 13) Prior notice and agreement procedures for works outside agreed limits.
- 14) Complaints procedures, including complaints response procedures.
- 15) Membership of the Considerate Contractors Scheme.

The development shall then be undertaken in accordance with the agreed plan.

REASON: To minimise any adverse effects on residential amenity, in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

- 27** The Sustainable Urban Drainage basin shall be maintained such that it will not be allowed to clog and thereby hold water over time.

REASON: In the interests of flight safety and birdstrike avoidance, and to ensure that a habitat feature is not created for species of birds that are hazardous to aircraft.

- 28** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment-Addendum ref 2211-763 by Ingent Consultants, dated April 2023, and the following mitigation measures detailed within the FRA: • Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 3.4l/s • Provide attenuation storage (including

locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

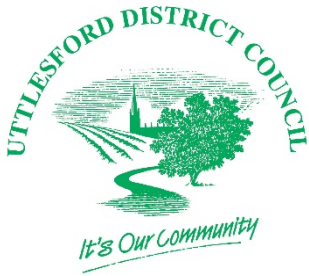
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

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

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

# Agenda Item 10



**ITEM NUMBER:** 10

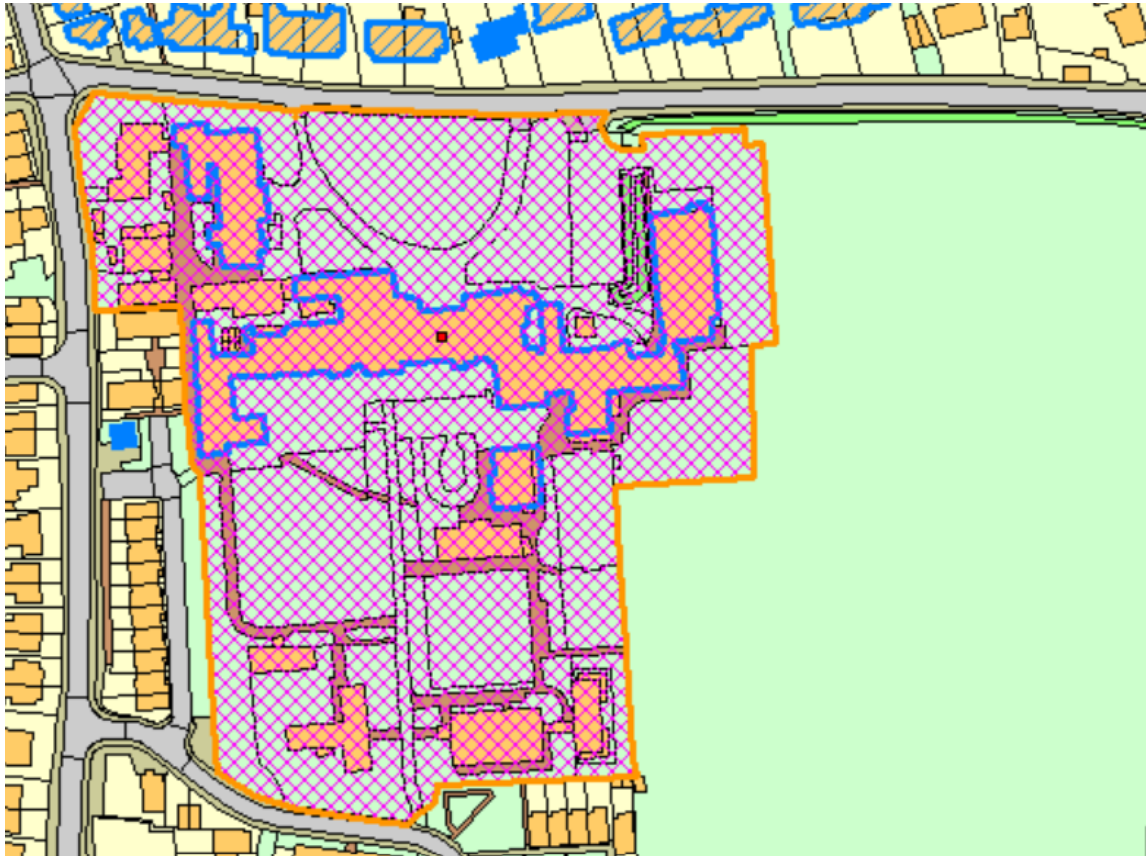
**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** UTT/23/1853/FUL

**LOCATION:** Former Friends School, Mount Pleasant Road, Saffron Walden.



**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 2<sup>nd</sup> January 2024

**PROPOSAL:** S73 application to vary condition 2 (approved plans) of S62A/22/0000002 (application reference UTT/22/1040/PINS) for 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.

**APPLICANT:** Chase New Homes

**AGENT:** Chase New Homes

**EXPIRY DATE:** 23<sup>rd</sup> October 2023

**EOT Expiry Date** 12<sup>th</sup> January 2024

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Within Development Limits, Conservation Area, Adjacent Listed Building, Part Archaeological Site, Tree Preservation Orders, Flood Zone 1.

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

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## **1. EXECUTIVE SUMMARY**

- 1.1** Planning permission is sought by the Applicant for a 'minor material' amendment to full planning permission that was granted consent by the Secretary of State under application ref: S62A/22/0000002. This approved permission granted permission for the conversion and demolition of existing buildings on the site to allow for its redevelopment to provide a total of 96 residential dwellings alongside associated infrastructure.
- 1.2** The amendments subject to this application include the demolition and replacement of the building known as the 'Assembly Building'. The new replacement building will be virtually the same size, scale and sited in the same location as to that of which was previously approved. It would also consist of the same number of residential units being 4 no. houses and 2 no. flats.

- 1.3 Further minor revisions are proposed to the building known as 'The Croydon Building'. This involves removing the chimney breasts internally within the building and the insertion of new window openings.
- 1.4 Planning officers and conservation officers of the Council have worked closely with the applicant to ensure an appropriate design solution has been achieved whereby the proposals will preserve and reflect the character of the existing built and natural environment and to ensure a high-quality design suitable for the enjoyment of future residents.
- 1.5 It is concluded that the proposals comply with the relevant policies contained within the Uttlesford District Local Plan 2005 (as Adopted), the Saffron Walden Neighbourhood Plan and the National Planning Policy Framework.

2. **RECOMMENDATION**

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

A)Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The area of land subject to this full planning application relates to the land known as 'Former Friends' School, Mount Pleasant Rd, Saffron Walden CB11 3EB.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2 The site itself is located on the southern side of Mount Pleasant Road, within the town of Saffron Walden. The site is generally rectangular in shape, relatively level, with just a slight slope falling from east to west and is approximately 3.25 hectares in size.
- 3.3 The site was formally used as private school known as 'Friends School'; however, it has been vacant for approximately 5-6 years since the school went into administration. Currently located on the site are the former school buildings that vary in size and scale. The main school building that fronts Mount Pleasant Road is locally listed. This building has many Tudor embellishments such as large chimney stacks, embattled entrance tower with large corner buttresses and a gothic-arched entrance made from chamfered brick.
- 3.4 The main building has been extended on its eastern side with an indoor swimming pool (early 1900s) and on its southern elevation with a 1980s classroom block. Other buildings have been added on the site over time, with the most recent being the new school building to the south of the site.

- 3.5** A 1980s gym building lies to the front and to the east of the main building. It is a large utilitarian building that is viewed within the context of the main school building and has its own car park.
- 3.6** Also to the front of the site is the interwar assembly building, which has been extended on its northern elevation with flat-roofed single-storey buildings which formerly housed the music department.
- 3.7** Most of the newer buildings lie at the rear of the site. These buildings are situated either side of the avenue of lime trees, which form a strong feature of this part of the site. Also at the rear of the site are former grassed tennis courts, a hard-surfaced tennis court, a MUGA and a playground.
- 3.8** Along the frontage of the site (Mount Pleasant Road) a modest size wall extends the length of the boundary. Behind the wall lies mature vegetation that is protected by tree preservation orders. Further mature vegetation is located throughout the site in which some are also protected tree preservation orders.
- 3.9** The north-western corner of the site has a limited Debden Road frontage whereby a couple of buildings are visible on this frontage. The remainder of the western boundary is mostly obscured from Debden Road by the relatively recent 'The Avenue' re-development, which was granted planning permission in 2011 and has since be completed. This development was permitted on land that formed part of the school site and included 76 new-build homes along with a new junior school and new dwellings located either side of a Grade II listed water tower. Adjoining the site to the east are the former playing fields which do not form part of the application site.
- 3.10** The application site is located and situated within an established built-up area that mainly comprises a mixture of dwelling types and styles.
- 3.11** In terms of local designations, the whole of the site lies within the Saffron Walden Conservation Area. Number 9 Mount Pleasant Road opposite the site and the Water Tower located along Debden Road to the west are both classified as Grade II Listed Buildings. To the front and parts of the rear of the site are designated protected public open space. The rear half of the site also falls within a designated Archaeological site of interest.

There are no other local environmental designations nearby. The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.

#### **4. PROPOSAL**

- 4.1** Full planning permission was granted consent by the Secretary of State under application ref: S62A/22/0000002 for the conversion and demolition

of existing buildings on the site to allow for its redevelopment to provide a total of 96 residential dwellings alongside associated infrastructure.

- 4.2** The above application was submitted directly to the Planning Inspectorate (PINS) for determination because Uttlesford District Council has been designated by Government for poor performance in relation to the quality of decisions making on major applications.
- 4.3** As part of the above consented development, it was proposed to convert the 'Croydon' Building' at northwest corner of the site into 4 no. apartments. Furthermore, permission was granted to convert the interwar 'Assembly Hall' which formally housed the music room and lies immediately east of Croydon building to 4 no. houses and 2 no. flats.
- 4.4** Planning permission is sought by the Applicant for a 'minor material' amendment under Section 73 of the Town and Country Planning Act 1990 (which allows changes to the conditions applying to existing permission).
- 4.5** Condition 2 imposed on the decision notice for application ref: S62A/22/0000002 states that the development hereby permitted shall be carried out in accordance with the approved plans.
- 4.6** The amendment proposed is to substitute the approved plans relating to the 'Assembly Building' and the 'Croydon Building' with new revised plans. This is due to the fact that revisions are deemed to be necessary following further investigations on site in preparation of commencing works and undertaken further structural surveys.
- 4.7** If there is no change to the basic principle of the approved development, then the substitution of plans is allowable within the scope of the Section 73.
- 4.8** The plans substitutions proposed in this application do not affect the description of development. The Council can therefore reasonably consider the alterations proposed in this submission.
- 4.9** Assembly Building:
- 4.10** This building was originally to be retained, however, now that the building has been stripped back and asbestos removed, the Applicant stipulates that the building is in a poor state of repair and its conversion to residential is not practical.
- 4.11** A structural survey has been submitted in support of the proposals that concludes:
- Roof upgrade would place additional load on the steel 'A' frames placing excessive force upon it, thereby requiring strengthening.

- The frame is likely to be in a very poor condition and may need replacing.
- The amount of brick work removed to allow for inspection of the frame and the inspection/replacement of lintels is significant and may result in little of the original building remaining.
- There is a significant level of work required which in all likelihood will de-stabilise the existing structure.

**4.12** The survey confirms that given the above it is highly likely that there will be very little of the original building remaining, with significant repair or replacement required, which in turn almost completely diminishes any visual worth in retaining what's left of the original building. It is therefore considered that demolition and replacement would provide a far better and cohesive outcome for this part of the site.

**4.13** Croydon Building:

**4.14** The Croydon Building will continue to be retained but intrusive investigations have shown the chimneys to be in a poor state of repair.

**4.15** It is proposed to retain the external elements of the chimneys, however, it is proposed to remove the chimney breasts to allow for a much-improved internal layout for the apartments.

**4.16** In addition, two new windows will be introduced on the west elevation.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **6. RELEVANT SITE HISTORY**

**6.1** There has been an extensive amount of planning history to the site which are not particular relevant to the proposals, however, they demonstrate the extensive work that has taken place over a considerable amount of time. The application that is most relevant to these proposals is as follows:

- UTT/22/1040/PINS - Consultation on S62A/22/0000002 for the 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.

6.2 The Inspector granted planning permission subject to conditions and a unilateral undertaking on 11th October 2022.

6.3 Following the above decision, several applications have been submitted and approved by the Council approving the details of specific post commencement conditions. Works on the above application had subsequently commenced on site.

## 7. **PREAPPLICATION ADVICE**

7.1 No pre-application discussion took place between the Applicant and the Council prior to the submission of this application.

## 8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### 8.1 **Highway Authority – No Objections**

8.1.1 The highway authority has no comments to make in relation to this application, the proposed variation to the approved plans will have no impact on the highway network. Please note that our response to the original permission (UTT/22/1040/PINS) remains relevant, and we ask that all highway related conditions and obligations remain unchanged.

### 9. **Local Flood Authority – No Objections**

9.1 The amendments shown on the attached plans will have no or negligible impact on the drainage provision of the site, and so we would not wish to comment in this instance.

### 9.2 **Sports England – No Objections**

9.2.1 Sport England has not provided a detailed response in this case but would wish to give advice and guidance to aid the assessment of this application if the proposals include the removal of addition of playing pitches.

## 9.3 **TOWN COUNCIL COMMENTS**

9.3.1 Saffron Walden Town Council objects to the Application for the following reasons:

- There is a lack of evidence demonstrating why the Assembly Building and chimney breasts should be removed.
- The inspector noted the both the buildings have intrinsic value and it is important they are retained when assessing the original application.

## 10. **CONSULTEE RESPONSES**

10.1 **UDC Housing Officer – No Comments**

**10.1.1** I have no comments as they are not delivering any affordable housing on site in view of the viability assessment & vacant building credit.

**10.2 UDC Environmental Health – No Objections**

**10.2.1** The variation of the originally approved drawings is not likely to have any effect on pollution control matters and does not affect original comments. As such, I have no objection to the variation of condition 2

**10.3 UDC Conservation Officer – No Objection**

**10.3.1** The principle of a new build to replace the existing Assembly Hall is acceptable, due to the condition of the existing structure and requirements to satisfy current Building Regulations for residential use.

**10.3.2** The current proposal results in some loss of architectural value due to the removal of the distinctive entrance portal. However, reuse of this aspect would not be efficient for the new residential use.

**10.3.3** In line with NPPF Paragraph 209, although the proposal directly affects the non-designated heritage asset, the proposal seeks to optimise use of the site (existing footprint). In balance, I consider the harm to be less than substantial and at the low end of the scale.

**10.4. Place Services (Ecology)**

**10.5 Aerodrome Safeguarding (MAG) – No Objections**

**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 to this proposed Variation to development.

**10.6 NATS Safeguarding (NATS) – No Objections**

**10.6.1** 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

**10.7 Anglian Water – No Objections**

**10.7.1** Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

**11. REPRESENTATIONS**



**11.1** Letters were posted to adjoining and adjacent occupiers, site notices placed on site and a notice placed in the local paper. A single representation has been received that neither supports of objects to the proposals but make comments to ensure that roosting bats are taking into consideration when assessing the proposals.

**11.2** This has been considered with full details provided in the main assessment of this report to the protection of roosting bats.

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

### **12.4 The Development Plan**

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

### **3. POLICY**

#### **13.1 National Policies**

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

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

Below is a list of the most relevant Development Management Policies in relation to this proposal:

- S7 – Settlement Boundaries for the Main Urban Areas
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV1 – Design of Development within Conservation Areas
- ENV2 – Development Affecting Listed Buildings
- ENV3 – Open Spaces and Trees
- ENV4 – Ancient Monuments and Sites of Archaeological Interest
- ENV7 – Protection of the Natural Environment
- ENV8 – Other Landscape Elements of Importance
- ENV10 – Noise Sensitive Developments
- ENV11 – Noise Generators
- ENV12 – Groundwater Protection
- ENV14 – Contaminated Land
- H9 – Affordable Housing
- H10 – Housing Mix
- LC1 – Loss of Sports Fields and Recreational Facilities
- LC2 – Access to Leisure and Cultural Facilities

#### **13.3 Saffron Walden Neighbourhood Plan**

The Saffron Walden Neighbourhood Plan was formally made by Council on 11 October 2022. The most relevant policies to consider include:

- SW5 – Affordable Housing
- SW7 – Design
- SW8 – Parking on new developments

- SW19 – Ecological Requirements for all New Domestic and Commercial Development
- SW20 – Promoting Walking and Cycling
- SW21 – Travel Planning
- SW23 – Vehicular Transport
- SW27 – Opens Space for Informal Recreation
- SW29 – Land Value to the Natural Environment

#### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
 Essex County Council Parking Standards (2009)  
 Accessible homes and Play Space Homes  
 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. Design and Appearance**
  - B. Heritage**
  - C. Other Issues**

#### **14.3 A. Design and Appearance:**

**14.3.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. 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.

**14.3.2** As highlighted in Section 4 of this report, due to the poor state of repair of the existing building referred as the 'Assembly Building', rather than converting this building to contain 4 no. houses and 2 no. flats, it is now proposed to demolish it and replace it with a new building similar in size and scale.

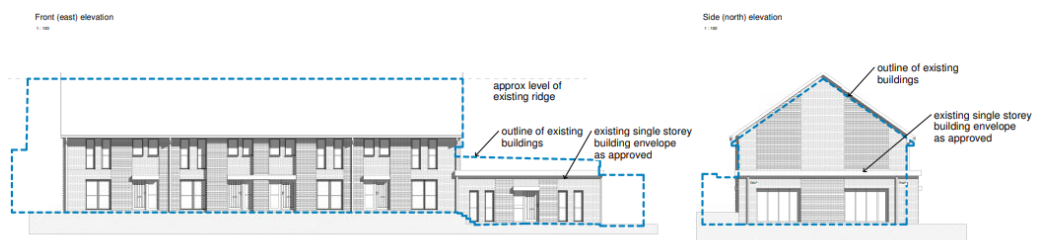
#### **14.3.3 Layout:**

**14.3.4** The proposed layout the new building, will be constructed in the same location as that of the existing building approved as part of application ref: UTT/22/1040/PINS. As such, there would not be a material difference by way of which the new building is orientated and situated in relation to other buildings and the open spaces within the site to that of which has already been approved.

**14.3.5** Scale:

**14.3.6** The applicant has applied consideration in the design rationale behind the scale of the replacement building considering the constraints of the site, the surrounding buildings, and the natural environment. Scale relates to the height, width, and length of the proposals and how this relates both to the overall size and massing of individual building and spaces in relation to their surroundings.

**14.3.7** Drawing ref: 23 0066-2103 E and as shown in part on Figure 1 below, the proposed replacement building would be no larger than the building that it would be replacing. In fact, it would be slightly smaller than the existing building in respect to its footprint, massing, and scale.



**Figure 1: Proposed Elevations of new building. Existing building outline and dotted in blue.**

**14.3.8** The scale of the 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 that would be typical of residential building and like surrounding buildings ensuring a subservient and well-proportioned building.

**14.3.9** The proposals generally adopt typical building forms, composition, articulation, and proportions as per the existing building that it is to replace and those buildings in the locality. Thus, the scale and form of the proposals are deemed to be appropriate.

**14.3.10** Appearance:

**14.3.11** The Assembly Building is in a prominent location on the site and should be a key addition in the collection of modern buildings that edge the main former school building.

**14.3.12** Figure 2 below provides an illustration of the building that was approved as part of application ref: UTT/22/1040/PINS portraying its finish detailing and external materials.



**Figure 2: Illustration of proposed Assembly Building approved under application UTT/22/1040/PINS (Rear Elevation)**

- 14.3.13** Figure 3 as per below provides an illustration of the proposed replacement building forming this application depicting the finishing details.



**Figure 3: Illustration of proposed building (Rear Elevation)**

- 14.3.14** The relationship between the single and double storey elements of the converted building was unbalanced in respect to its treatments and detailing, particular along the front façade and had little visual interest when viewed from the street scene.
- 14.3.15** The applicant with officers of the Council have worked closely together in respect to the final detailing and appearance of the new replacement building. The proposals now represent a more simple and harmonious form of development whereby its detailing takes inspiration from key elements of the existing building and the surrounding buildings to help progress a better-quality design.
- 14.3.16** The buildings will utilise materials and finishes which can be found in the surrounding locality. External materials will include Atherstone Red Multi brickwork for the walls, Eternit Thrutone Fibre Slate roof tiles in Blue/Black and all windows, porches and rainwater goods finished in dark grey.
- 14.3.17** 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.

**14.3.18** The architectural treatment has been designed to provide a cohesive development, whilst creating individuality to the building and interest in the local area and is considered to comply with existing policy. The scheme proposes to interpret the Essex vernacular in a modern way, using contemporary building forms and materials.

**14.3.19** The vernacular, architectural detailing and features will respond and contribute to local character.

**14.3.20** With regards to the alterations to the 'Croydon Building' these will result in some minor external and internal amendments. These will consist of:

- A single window removed, and the wall made good on the western elevation.
- Two new window openings inserted on the western elevation.
- Two existing windows on the eastern elevation blacked out.
- Existing internal partitions and chimney breasts to be demolished on both the ground and first floors.

**14.3.21** The above alterations are deemed to be minor that will not significantly deter from the design and appearance of the existing building and will help to enhance the living conditions of future occupiers.

#### **14.4 B. Heritage**

**14.4.1** Policy ENV1 (Design of Development within Conservation Areas) allows for development where it preserves or enhances the conservation area. 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.

**14.4.2** The main building on the site is locally listed. The site lies within the Saffron Walden Town Centre Conservation Area. Furthermore, site lies within the setting of several listed buildings including:

- Water Tower – Debden Road, Saffron Walden. (List Entry 1205709)
- 9 Mount Pleasant Road, Saffron Walden (List Entry 1196227)

**14.4.3** Annex 2 of the Framework defines setting as: *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*

- 14.4.4** The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development, and it is necessary to determine the degree of harm that may be caused.
- 14.4.5** The proposals for a new build rather than a conversion as previously approved provides the opportunity to re-think this part of the scheme as a whole and enhance the appearance of the building.
- 14.4.6** The application was consulted to Uttlesford District Conservation Officer who confirmed that they had no objections to the proposals. Throughout the assessment of the scheme, successful negotiations between officers and the applicant ensured that the proposals were appropriately design. The appearance would preserve and reflect the architectural quality of the former school building and the surrounding built and historical environment.
- 14.4.7** The proposals would conform to the relevant policies contained within the Uttlesford District Local Plan and the Saffron Walden Neighbourhood Plan in respect to heritage and conservation.

**14.5 C. Other Issues:**

- 14.5.1** All other issues such as housing mix and tenure, highways and transportation, biodiversity, flooding and drainage and neighbouring amenity were thoroughly considered by the Inspector as part of the full application whereby it was concluded that all these matters were deemed to be appropriate. The revisions forming part of this application will not materially alter those conclusions already made by the Inspector.

**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** Planning permission is sought by the Applicant for a 'minor material' amendment to full planning permission that was granted consent by the Secretary of State under application ref: S62A/22/0000002.

- 16.2** The proposals as described in Section 4 of this report are minor in nature, not alter the description of the original planning permission of conflict with any of the imposed conditions and thus can be assessed as a Section 73 application as per the Act.

- 16.3** The revisions to both the Croydon Building and Assembly Hall Building are appropriate. The layout, size and scale of the proposals are acceptable 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 meeting the required needs of future occupiers.

- 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, the Saffron Walden Neighbourhood Plan, and the National Planning Policy Framework. It is thereby recommended that this application seeking the required revision be approved subject to the conditions outline below.

## **17. CONDITIONS**

The original planning permission will continue to exist whatever the outcome of the application under section 73. The conditions imposed on the original permission still have effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning



permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date issued of the original planning application reference UTT/22/1040/PINS and S62A/22/0000002.

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 proposed development hereby approved shall be constructed in accordance with the approved plans as impose in condition two of the original planning application reference UTT/22/1040/PINS and S62A/22/0000002 and those listed below unless otherwise agreed in writing by the Local Planning Authority.

- Location Plan Ref: 20 0066 2101
- Existing Assembly Hall Pland Ref: 20 0037 224
- Assembly Hall Replacement Site Plan Ref: 20 0066 2100
- Proposed Replacement of Assembly Hall Floor Plans Ref: 23 0066-2102 F
- Proposed Replacement of Assembly Hall Elevations Ref: 23 0066-2103 E
- Proposed Croydon Building Floor Plans Ref: 23 0066-10 B
- Proposed Croydon Building Elevation Plans Ref: 23 0066-11 B

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies GEN2, ENV1 and the NPPF.

- 3** The approved works shall be carried out in accordance with the 'Site Logistics Plan' ref: CNH005/SLP/01 1, the 'Construction Management Plan' prepared by Chase New Homes submitted 14th March 2023, and the 'Schedule of Works' dated 9th December 2022 as approved under planning application Ref: UTT/23/0668/DOC.

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

REASON: To minimise any adverse effects on air quality, in accordance with policy ENV13 of the LP and the Framework.

- 4** The approved works shall be carried out in accordance with the written scheme of investigation prepared by Colchester Archaeological Trust (February 2023) as approved under planning application Ref: UTT/23/0602/DOC and the Archaeological Evaluation Report prepared by

Colchester Archaeological Trust (May 2023) as approved under planning application UTT/23/1521/DOC.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with policy ENV4 of the LP and the Framework.

5. The approved works shall be carried out in accordance with the 'Historic Building Recording Report' prepared by ACD Environmental (January 2023) as approved under planning application Ref: UTT/23/0382/DOC and UTT/23/1716/DOC.

REASON: To ensure the locally listed building has a record of preservation proportionate to the proposed works, in accordance with paragraph 205 of the Framework.

6. The approved works shall be carried out in accordance with drawing 'Surface Construction Details' 1162/CNH005/D3/3605 (August 2023), the 'Detailed Surface Water Drange Scheme Issue 4' prepared by Infrastructure Design Limited (July 2023), the 'Surface Water Management Plan (SWMP)' prepared by Infrastructure Design Limited (April 2023), the 'Geotechnical and Geo-environmental Interpretative Report' prepared by CGL Proving Ground Solutions (February 2023), further Drainage Details providing different Scenarios (August 2023), the 'Oil Filtration & Pathogen Reduction Products' prepared by Naylor Environmental and the 'Additional Soakaway Check With Made Ground Levels' and the 'Additional Exploratory Hole Records Table' both submitted August 2023 as approved under planning application Ref: UTT/23/0445/DOC.

The scheme shall subsequently be implemented prior to first occupation of the development.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the LP and the Framework.

7. The approved works shall be carried out in accordance with the 'Surface Water Management Plan (SWMP)' prepared by Infrastructure Design Limited (April 2023) as approved under planning application Ref: UTT/23/0445/DOC.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the LP and the Framework.

8. The approved works shall be carried out in accordance with the updated Construction Environmental Management Plan: Biodiversity prepared by ADC Environmental June 2023 and the Clarification Addendum prepared by Chase New Homes September 2023) as approved under planning application Ref: UTT/23/0782/DOC.

REASON: To conserve protected and priority species and allow the Council 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) as updated by the Environment Act 2021 and in accordance with policy GEN7 of the LP and the Framework.

9. The approved works shall be carried out in accordance with the 'Biodiversity Enhancement Plan Rev 1' prepared by ACD Environmental (May 2023) as approved under planning application Ref: UTT/23/0887/DOC.

The CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To enhance protected and priority species & habitats and allow the Council to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policy GEN7 of the LP and the Framework.

10. Prior to commencement of development above slab level, full details of both hard and soft landscape works shall have been submitted to, and approved in writing by, the local planning authority. The landscaping details shall include:

- a) proposed finished levels;
- b) means of boundary enclosures;
- c) hard surfacing, other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained (unless since removed);
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- h) location of service runs; and,
- i) management and maintenance details.

The works shall be implemented in accordance with the approved details prior to first occupation of the development, and shall be retained in that manner thereafter.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with policies GEN2 and ENV8 of the LP and the Framework.

11. The approved works shall be constructed in accordance with the noise assessment completed by Cass Allen, 27th June, Reference: TN01-22514-R1 as approved under planning application Ref: UTT/23/0783/DOC.

REASON: To ensure future occupiers enjoy a good acoustic environment and to protect their living conditions, in accordance with policy ENV10 of the LP.

12. The external finishing materials of the 'The Lime Townhouse', Maple Apartments' and 'The Oak House' shall be constructed with the 'Schedule of Materials' submitted 25th July 2023 as approved under planning application UTT/23/1887/DOC.

Prior to construction of the relevant part of the remaining development, details of all materials to be used in the external finishing of the proposed buildings shall be submitted to, and approved in writing by, the local planning authority.

Thereafter the development shall be constructed in accordance with the approved details.

REASON: To ensure the appearance of the proposed development will reflect with the character of the surrounding locality in accordance with policy GEN2 of the LP.

13. Prior to installation of the relevant works, 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.

REASON: To allow the Council 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).

14. Prior to first occupation of the development, a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements, of the surface water drainage system, shall have been submitted to, and approved 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. 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 so that they continue to function as intended to ensure mitigation against flood risk, in accordance with policy GEN3 of the LP and the Framework.

- 15.** Prior to first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall have been submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan; and,
- h) ongoing monitoring and remedial measures.

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 biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To allow the Council 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).

- 16.** The parking area relevant to each proposed dwelling shall be provided prior to first occupation of the relevant dwelling. The parking areas for visitors' spaces shall be provided prior to the first occupation of the relevant part of the development. The parking areas shall thereafter be maintained free of obstruction for the parking of residents and visitors' vehicles.

REASON: In the interests of highway safety in accordance with policy GEN8 of the LP and the Framework.

- 17.** Prior to first occupation of the relevant dwelling or sports facility, cycle parking shall be provided in accordance with details first to have been submitted to, and agreed in writing by, the local planning authority.

REASON: To ensure appropriate modes of sustainable transport is achieved in accordance with the adopted Essex County Council Parking Standards (2009), policy GEN8 of the LP and the Framework.

- 18.** Prior to first occupation of the relevant dwelling(s), details demonstrating that appropriate outdoor amenity space is provided for each residential unit shall have been submitted to, and agreed in writing by, the local planning authority.

REASON: To ensure appropriate amenity is provided for future residents in accordance with the Essex Design Guide, Policy GEN2 of the LP and the Framework.

- 19.** Prior to first occupation of the development, the eastern access onto Mount Pleasant Road shall be provided as shall the southern access onto The Avenue Road. In addition, the following shall also be provided:

a) for the Mount Pleasant Road access, clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, which shall be retained clear of obstruction at all times thereafter;

b) for The Avenue access, clear to ground visibility splays with dimensions of 2.4 metres by 25 metres in both directions, which shall be retained clear of obstruction at all times thereafter;

c) a 5.5 metre carriageway with a 2 metre wide footway on the western side and appropriate verge/margin on the eastern side to provide intervisibility with pedestrians using the footway adjacent Mount Pleasant Road passing across the eastern access;

d) any required regrading of the embankment to maximise visibility and the width of the existing footway along Mount Pleasant Road; and,

e) removal of the school zigzag lines on Mount Pleasant Road and replacement with any necessary parking restrictions, first to have been agreed with the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in a forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway, in the interests of highway safety in accordance with policy DM1 of the LP.

- 20.** Prior to first occupation of the development, a Residential Travel Plan shall have been submitted to, and approved in writing by, the local planning authority. The Travel Plan shall include a Residential Travel Information Pack for each dwelling, to include six one day travel vouchers for use with the relevant local public transport operator. The Travel Plan shall thereafter be implemented in accordance with the approved details.

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 LP.

- 21.** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the local planning authority shall be notified without delay. Any land contamination identified, shall be remediated to the satisfaction of the local planning authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with the policy ENV14 of the LP and the Framework.

- 22.** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Prepared by CSA Environmental (December 2018) and the Ecological Impact Assessment Prepared by CSA Environmental (August 2021).

REASON: To conserve and enhance protected and Priority species and allow the Council 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 LP and the Framework.

# Agenda Item 11



**ITEM NUMBER:** 11

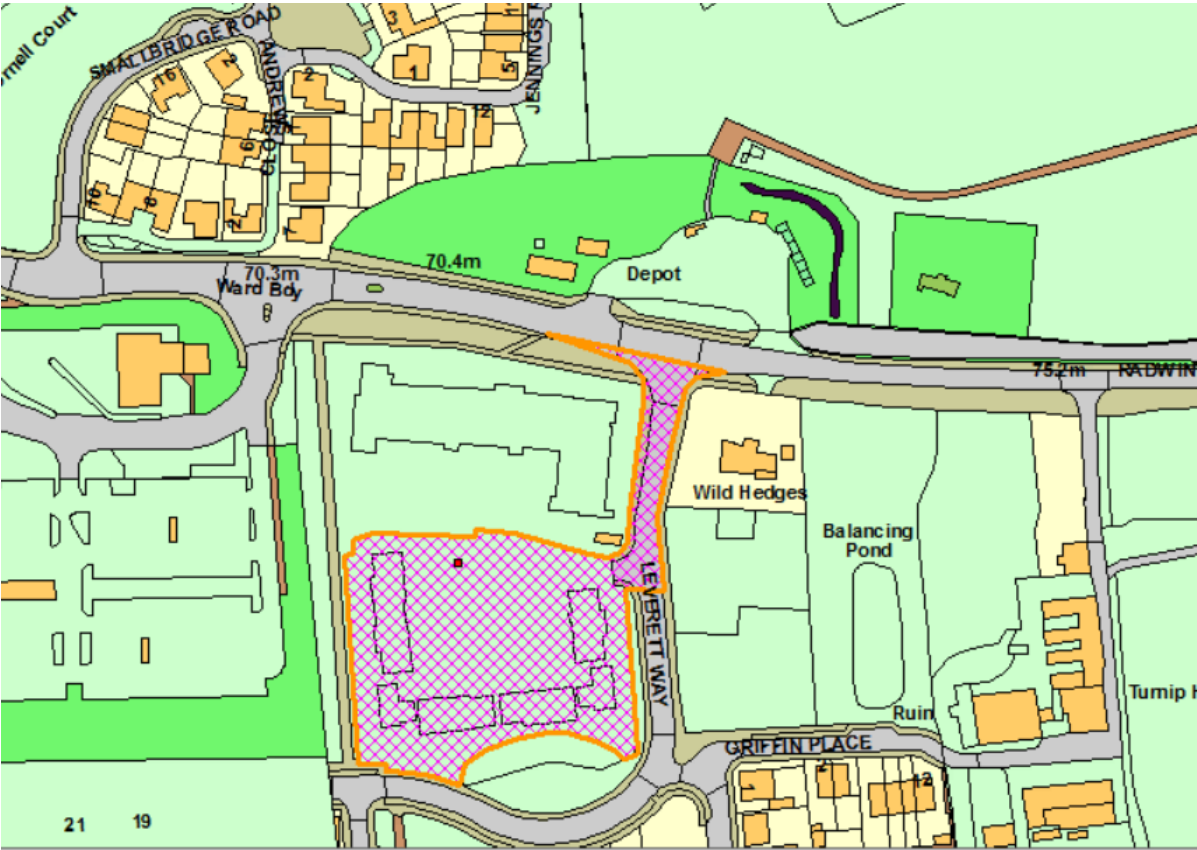
**PLANNING COMMITTEE DATE:** 10 January 2023

**REFERENCE NUMBER:** UTT/23/1046/FUL

**LOCATION:** Land South Of Radwinter Road  
Radwinter Road  
Saffron Walden  
Essex  
CB10 2JP



**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 10 January 2024

**PROPOSAL:** 16 no. Retirement Living Bungalows Use Class C3 Category II, and associated parking, landscaping and access (amendment to scheme approved under planning permission UTT/21/2465/DFO in order to change bungalows from Extra Care to Retirement Living)

**APPLICANT:** McCarthy Stone

**AGENT:** The Planning Bureau

**EXPIRY DATE:** 22 August 2023

**EOT EXPIRY DATE:** 11 January 2024

**CASE OFFICER:** Jonathan Pavey-Smith

**NOTATION:** Outside Development Limits (Adjacent).  
Appeal Allowed Nature of Appeal: *Outline application for the erection of up to 233 residential. All matters reserved except for means of access.*

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

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## **1. EXECUTIVE SUMMARY**

- 1.1** In 2021 a Reserved Matters Planning permission was granted for the redevelopment of the site (UTT/21/2465/DFO) to provide extra care housing (use Class C2). The development comprised a total of 71 extra care retirement units arranged as a 57-unit apartment block and 16 bungalows.
- 1.2** This application is to change the use of 16 bungalows from Extra Care (C2) to Retirement Living (C3). There is no change to the appearance, scale, materials or landscaping from the previously approved development.
- 1.3** A Financial Viability Assessment (FVA) was prepared by Alder King on behalf of the Applicant to consider the financial impact of the change in planning use from C2 to C3, particularly on the affordable housing requirement. The FVA states that the level of contribution which should be made towards off site affordable housing provision is £509,687.

1.4 Uttlesford District Council appointed Altair Consultancy to review a Financial Viability Assessment. Altair Consultancy recommends that the applicant can provide a contribution in lieu of on-site affordable housing up to the value of £873,128.

1.5 After discussions between Altair Consultancy and Alder King on behalf of the applicant, a figure of **£640,000** has been agreed as the sum for the contribution in lieu of affordable housing.

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 roughly a rectangular parcel of land which sits between Tesco's to the west. To the south of the site is the residential development of Portsmouth Close, which forms part of the wider Linden Homes development. The application site has main road frontage facing Radwinter Road and main access from Leverette Way.

3.2 The site is substantially completed.

4. **PROPOSAL**

4.1 Change of use to 16 bungalows from Extra Care (C2) to Retirement Living (C3).

4.2 The application includes the following documents:

- Application form
- Viability Report
- Site Plans

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/17/3426/OP	Outline application, with all matters reserved except for	Refused allowed at Appeal.

	access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access	
UTT/21/2465/DFO	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout and scale.	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. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

**7.2** No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this reserved matters application. No details have been submitted prior to the submission of this application of whether any community consultation with the public was undertaken.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

**8.1.1** No objections subject to conditions.

## **9. PARISH COUNCIL**

**9.1** No Objection

## **10. CONSULTEE RESPONSES**

**10.1** UDC Housing Enabling Officer

**10.1.1** No objections. Housing can confirm that there are no objections to the proposal for the 16 extra care class C2 use bungalows to be retirement bungalows C3 use instead. The applicant has acknowledged that proposing a change of use from C2 to C3 triggers a requirement for affordable housing provision and is to submit a viability appraisal to UDC in due course.

**10.2 UDC Environmental Health**

**10.2.1** No objections, subject to conditions.

**10.3 Place Services (Ecology)**

**10.3.1** No objections subject to a condition.

**10.4 Crime Prevention Officer**

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

**11. REPRESENTATIONS**

**11.1** A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper. No comments have been received from any neighbours.

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

**12. MATERIAL CONSIDERATIONS**

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

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

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

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

### **12.3 The Development Plan**

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

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

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

- 13.2.1** S7 – The countryside Policy
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN3 -Flood Protection Policy
- GEN4 - Good Neighbourliness Policy
- GEN5 –Light Pollution Policy
- GEN6 - Infrastructure Provision Policy
- GEN7 - Nature Conservation Policy
- GEN8 - Vehicle Parking Standards Policy
- H9 - Affordable Housing,
- H10 - Housing Mix Policy
- ENV1 - Design of Development within Conservation Areas Policy
- ENV2 - Development affecting Listed Buildings Policy
- ENV10 -Noise Sensitive Development, Policy
- ENV13 - Exposure to Poor Air Quality Policy
- ENV14 - Contaminated Land

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

- 13.3.1** Saffron Walden Neighbourhood Plan (made October 2022)

#### **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) Background**
  - B) Principle of development**
  - C) Review of the applicant’s viability report**
  - D) Other matters**

#### **14.3 A) Background**

**14.3.1** In 2021 a Reserved Matters Planning permission was granted for the redevelopment of the site (UTT/21/2465/DFO) to provide extra care housing (use Class C2). The development comprised a total of 71 extra care retirement units arranged as a 57-unit apartment block and 16 bungalows.

**14.3.2** This application is to change the use of 16 bungalows from Extra Care (C2) to Retirement Living (C3).

**14.3.3** Class C2 definition: *‘is use as provision of residential accommodation and care to people in need of care’*

**14.3.4** Class C3 definition: *‘is use as a dwelling house by a single person or by people living together as a family’*

**14.3.5** A Financial Viability Assessment (FVA) was prepared by Alder King on behalf of the Applicant to consider the financial impact of the change in planning use from C2 to C3, particularly on the affordable housing requirement.

**14.3.6** Uttlesford District Council appointed Altair Consultancy and Advisory Services Ltd ('Altair') to review a Financial Viability Assessment (FVA) for a proposed residential development project at Land South of Radwinter Road, Saffron Walden, CB10 2JP ('the Site'). The FVA was submitted by Alder King who were instructed by The Planning Bureau Limited (TPB) who are acting as planning consultants for McCarthy Stone Retirement Lifestyles Limited ('the Applicant'). The FVA is a tool used by Applicants and local authorities to determine the level of affordable housing which

can be reasonably and viably provided by a proposed development in accordance with policy and guidance.

**14.3.7** The assessment of viability is commonly referred to as the residual approach. This approach takes the Gross Development Value (GDV) of a site and subtracts Total Scheme Costs (TSC) and the developer's risk adjusted return to establish the Residual Land Value (RLV). This RLV is compared against a Benchmark Land Value (BLV) - the value of the current land - and if the RLV is greater than the BLV then a level of affordable housing contribution is considered viable

**14.4 B) Principle of development**

**14.4.1** The principle of the development has been established under outline application UTT/17/3426/OP allowed at appeal and the reserve matters application UTT/21/2465/DFO. All pre commandment conditions have been discharged.

**14.5 C) Review of the applicant's viability report**

**14.5.1** The proposed development comprises 16 Retirement Bungalows. The Bungalows are a mixture of 1-2 bedrooms units

	AV. Size SQ(M)	No. of units.
Retirement Bungalows (1 Bed)	55.9	7
Retirement Bungalows (2 Bed)	82.5	9
<b>TOTAL</b>	<b>1,133.76</b>	<b>16</b>

**14.5.2** The revised National Planning Policy Framework (NPPF) updated July 2021, sets out the government's planning policies for England and how Viability are expected to be applied.

**14.5.3** Paragraph 58 of the policy states that "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage".

**14.5.4** The Uttlesford District Council Local Plan, January 2005, set out a range of policies for the Council including its approach to the provision of affordable housing within the borough. Policy H9: Affordable Housing confirms that affordable housing will be sought on housing development sites and states that **'The Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites,**



**having regard to the up-to-date Housing Needs Survey, market and site considerations"**

- 14.5.5** The Supplementary Planning Guidance (SPG) references profit on GDV or profit on cost, adjusted for risk depending on the nature of the scheme. Guidance is therefore clear that the proposed margin should be an adjusted return to reflect the risk associated to a proposed development. It is typically considered that a profit margin of between 15-20% profit on GDV for private sale housing is reasonable depending upon the level of risk.
- 14.5.6** Altair states *'the Applicant has adopted a 20% profit of GDV for open market housing and a 6% profit of GDV for the affordable homes.*
- 14.5.7** *However, the return expected of the developer should be reflective of the site's typology, location or type of development proposed. For instance, a large mixed-use scheme developed on a green field site will carry a much lower element of risk than a high density single phased flatted scheme on a tight town centre brown field site.*
- 14.5.8** *The green field site is less likely to have difficult or contaminated ground conditions and the multi-phasing allows a developer to gauge the market on one phase before embarking on the next which reduces the level of risk. All of these factors add to the risk of development, and these must therefore be reflected in the developer's return adopted.*
- 14.5.9** *It is therefore clear that a 'one size fits all' approach cannot be taken towards developer's return and the individual development's benefits and constraints, together with the prevailing market conditions at the time of the application, must be taken into consideration when deciding upon the appropriate profit level to be applied.*
- 14.5.10** *For this application the applicant has assumed a return of 20.0% but has provided no evidence as to how this has been derived.*
- 14.5.11** On 14th November 2023. the applicant (via their consultant Alder King) responded with additional information justifying why they consider a revised contribution of £584,129 to be financially viable.
- 14.5.12** Altair note that the prices used to derive the GOV of the scheme were based upon asking prices however not the relevance of those asking prices being for the subject site. Altair also note that the applicant also chose to use asking price data within their report rather than evidence of sold properties.
- 14.5.13** The applicant (via their consultant Alder King) submitted more evidence regarding the McCarthy Stone scheme at Great Dunmow (Stane House) and market conditions concerning retirement-living.

**14.5.14** Following this information a figure of £640,000 has been agreed as the sum for the contribution in lieu of affordable housing.

**14.6 D) Other matters**

**14.6.1** There are no other changes to the appearance, scale, materials or landscaping from the previous approved development UTT/21/2465/DFO

**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** Uttlesford DC requires affordable housing to be required on all sites of 10 units or more, that 40% affordable housing is provided on site subject to a viability appraisal.

**16.2** The Applicant has supplied a viability assessment for the site at Radwinter Road, which concludes that the site can viably provide a contribution in lieu of on-site affordable housing of £509,697.

**16.3** Altair's review demonstrates that the applicant can provide a contribution in lieu of on-site affordable housing up to the value of £873,128.

**16.4** After discussions between Altair Consultancy and Alder King on behalf of the applicant, a figure of £640,000 has been agreed as the sum for the contribution in lieu of affordable housing.

**17. CONDITIONS**

**1** The Construction Management Plan shall be in accordance with approved in details submitted and approved under UTT/21/3764/DOC.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011 and in accordance with ULP Policy GEN1.

**2** The proposed bungalows shall not be occupied until such time as the vehicle parking area indicated on the submitted drawing LSE-2686-02-AC-001 Rev C and LSE -2686-03-AC-210 Rev D, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area, including the number of unallocated spaces, 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1 and GEN8.

**3** The cycle and buggy parking facilities as shown on the approved plans LSE-2672-03-AC-211 D and LSE-2672-03-AC-220 C shall to be provided prior to the first occupation of the bungalows and retained at all times thereafter.

REASON: To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 4** The Biodiversity Enhancement Strategy shall be in accordance with approved in details submitted and approved under UTT/22/0987/DOC.
- 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) and in accordance with ULP Policy GEN7.
- 5** The remediation scheme shall be in accordance with approved in details submitted and approved under UTT/22/3764/DOC.
- REASON: To ensure that no future contamination investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14
- 6** Prior to the occupation of the of the development hereby approved the effectiveness of any remediation scheme shall be demonstrated to the Local Planning Authority by means of a validation report submitted to the Council and approved in writing (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 ensure that no future contamination investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14.
- 7** The development hereby approved shall be in accordance with noise assessment submitted (Cass Allen RP01-20226) and shall achieve internal noise levels recommended in British Standard 8233:2014 and BS4142:2014. Sound Insulation and noise reduction for buildings.
- REASON: To protect the amenity of the resident of the development from noise impact and in accordance with ULP Policies ENV11 and GEN4.
- 8** External finishes shall be in accordance with approved in details submitted and approved under UTT/22/0987/DOC. The development must be carried out in accordance with the approved details shall not be changed without prior written approval from 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) and the National Planning Policy Framework.
- 9** The proposed electric vehicle charging points including a single charging point for each of the bungalows and charging points for 20% of the unallocated parking spaces shall be provided, fully wired and connected, ready to use before first occupation of the development. The provision of ducting for future installation shall also be included.

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 ENV13 the adopted Interim Climate Change Policy 2021 and the NPPF.

- 10** Solar panels to shall be in accordance with approved in details submitted and approved under UTT/22/0987/DOC.

REASON: These measures are required to identify suitable areas for renewable and low carbon energy sources and supporting infrastructure in accordance with the NPPF and the adopted Interim Climate Change Policy 2021.

- 11** The landscaping shall be carried out strictly in accordance with the details shown on drawing no. MCS22845-21 and tree protection plan 1444-KC-XX-YTREE-TPP01 REVB 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) and the National Planning Policy Framework.

- 12** Travel Information Pack shall be in accordance with details submitted and approved under UTT/22/1044/DOC.

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 and in accordance with ULP Policy GEN1.

# Agenda Item 12



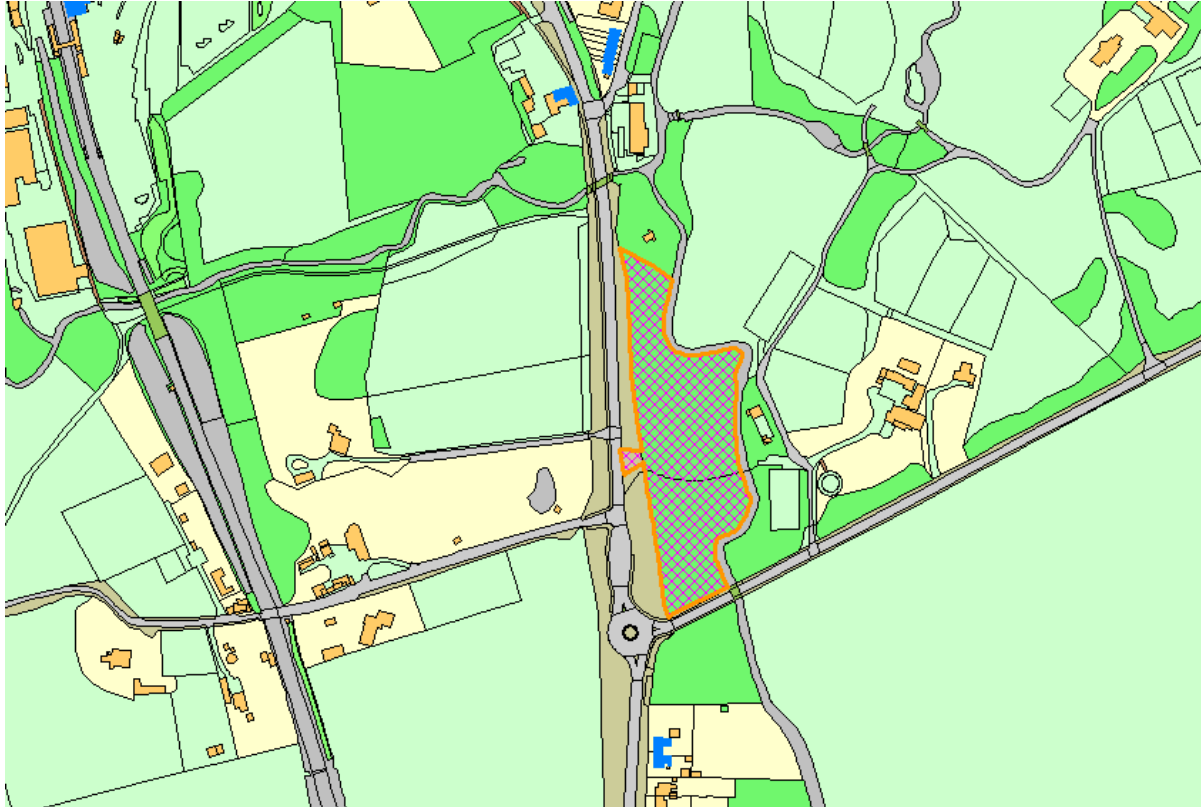
**ITEM NUMBER:** 12

**PLANNING COMMITTEE DATE:** 10<sup>th</sup> January 2024

**REFERENCE NUMBER:** UTT/23/2575/FUL

**LOCATION:** Cricket Willow Field Sparrows End, London Road, Newport

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 18<sup>th</sup> December 2023

**PROPOSAL:** Erection of 10 no. dwellings with garages and storage buildings (including 4 no. affordable homes) with access off London Road, sustainable drainage system and 2 no. wildlife areas.

**APPLICANT:** Mr P Rowe

**AGENT:** Mrs R Kelsey

**EXPIRY DATE:** 17.01.2024

**CASE OFFICER:** Mark Sawyers

**NOTATION:** Outside Development Limits  
Within 200m of Parish Boundary  
Contaminated Land Hist Land Use Point - Reference: s541100002358 (Description: Arealiabletooflood)  
Groundwater Protection Zone - Zone: Within Groundwater Source Protection Zone 1  
Within Flood Plain Zone 2 - Flood Plain Zone: Flood Zone 2  
Within Flood Plain Zone 3 - Flood Plain Zone: Flood Zone 3  
Floodzone Centre Lines - Watercourse Name: CAM/TRIBS  
Within Floodzone 3a + Climate Change  
Within Floodzone 3b  
Within 2km of S.S.S.I  
Mineral Safeguarding Area - Description: Sand/Gravel

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

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**1. EXECUTIVE SUMMARY**

**1.1** This full planning application is for the erection of 10 no. new dwellings with associated garages and storage buildings.

**1.2** It comprises of an irregular shaped approximately 1.2-hectare parcel of land located outside the development envelope situated to the north of Newport and to the west of Saffron Walden.

**1.3** This proposal would make use of previously undeveloped land and contribute 10-no. new dwellings (4-no. to be affordable) towards the Local Planning Authority's Five-Year Land Supply.



**2. RECOMMENDATION**

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

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1 The application relates to Land East of London Road, located outside the development limits of Newport and Saffron Walden.
- 3.2 It comprises an irregular shaped approximately 1.2-hectare parcel of land.
- 3.3 The land in question is classified as grade 3 in the context of agricultural land classification and it is surrounded by established hedgerow with the river cam running to the eastern boundary of the site.
- 3.4 The majority of the proposed site is located within flood zone 1, which has a low probability of flooding from rivers and the sea, however the very rear of the site against the river cam falls within flood plains 2 & 3.
- 3.5 The application is accompanied by a SuDS Drainage Report due to the proximity of the river cam and the size of the proposal.
- 3.6 The site is not subject to any trees with preservation orders on them.

**4. PROPOSAL**

- 4.1 This full application proposal relates to the erection of 10-no. dwellings with associated garaging and storage buildings. The creation of access off London Road, a sustainable drainage system and the provision of 4 no. affordable homes.
- 4.2 The proposal also proposes 2-no. wildlife areas.

**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
SWR/0047/64	Erection of overhead electric line.	
UTT/1244/08/FUL	Removal of condition C.90B (The livery use hereby permitted shall not be operated other than by a person or persons who reside	Refusal

	in the adjacent dwelling known as 'Sparrows End Farm') on planning permission reference UTT/0677/96/FUL.	
UTT/0424/09/FUL	Removal of condition C90B (The livery use hereby permitted shall not be operated other than by a person or persons who reside in the adjacent dwelling known as Sparrows End Farm), planning permission UTT/0677/96/FUL refers.	Withdrawn
UTT/0422/09/CLE	Certificate of Lawful Use for occupation of a dwelling restricted by condition to someone employed or last employed in agriculture, but actually occupied from 1985-2005 (20 years) by Mrs Nellie Rutherford who had no connection with agriculture, either personally or by marriage.	Withdrawn
UTT/0836/10/FUL	Removal of condition C90B (The livery use hereby permitted shall not be operated other than by a person or persons who reside in the adjacent dwelling known as Sparrows End Farm), planning permission UTT/0677/96/FUL refers.	Approval

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

7.1 Pre-Application advice has not been sought with the Local Planning Authority, however the applicant has carried out a Statement of Community Involvement.

### 7.2 **STAGE 1 – 18th July 2023**

Letters via email with a copy of the draft layout plan were sent on the 18th Jul 23 to:

Newton Council (sic) as per Appendix 3 of Applicant's Planning Statement  
Wendens Ambo Parish Council

### 7.3 **STAGE 2 – 21<sup>st</sup> JULY 2023**

Further emails were sent out on the 21st July to local residents and businesses.

- 7.4 STAGE 3 – 26<sup>th</sup> JULY 2023**  
Further emails were sent out on the 24th July to business in the immediate area.
- 7.5 STAGE 4 – 5<sup>th</sup> AUGUST 2023**  
In response to feed back further emails were sent to other interested parties.
- 7.6 STAGE 5 – 7<sup>th</sup> AUG 2023**  
Following the email on the 18th July. Phillip Rowe (PR) the applicant and R Kelsey of Winthrop Planning (RK) were invited to attended the Newport Parish meeting on the 7th of August, the Parish Council asked PR & RK to explain proposal to committee and public (10 people).
- 7.7 STAGE 6 – PARISH MEETING FOLLOW UP**  
Following the Committee meeting Emails requesting copies of meeting minutes and feedback were sent on 4 occasions (31st August, 1st September, 11th September and 2nd October 2023) to the Parish Clerk. On the 4th October the clerk emailed the preliminary thoughts from the Parish Council.
- 7.8 STAGE 7 – 6<sup>th</sup> SEPT 2023**  
A site meeting with residents from Mill Lane.  
Rona Kelsey of Winthrop Planning and Phillip Rowe explained the concept of the scheme, the extent of the site and the location of access and open wildlife areas.
- 7.9 STAGE 8 – 12<sup>th</sup> SEPTEMBER 2023**  
A copy of the meeting note was emailed to all residents in Mill Lane that had provided contact details.
- 7.10 STAGE 9 – 22<sup>nd</sup> SEPTEMBER 2023**  
A letter with a copy of the draft layout plan was hand delivered to all surrounding residential properties.
- 7.11** The consultation period lasted 12 weeks from 20 July 2023 to 9th October 2023 and resulted in responses from both Parish Councils, attending the Newport Parish Council meeting and meeting residents on site.
- 8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**
- 8.1 Highway Authority – Objection**
- 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.

### **8.3 Historic England - No Objection**

**8.3.1** Historic England's consultee response can be found in Appendix 3 of this report.

### **8.4 Environment Agency**

**8.4.1** No comments received at the time of writing this report.

## **9. PARISH COUNCIL COMMENTS**

Wenden's Ambo Parish Council:

- 9.1**
- Outside Development Limits
  - Rural location
  - Proximity to Chalk Stream
  - Flood Risks of the Site
  - Loss of Habitat and Green Corridor
  - Too great a Density
  - Design not Appropriate for the Location
  - Pollution of River Cam
  - Loss of High Value Heritage Landscape
  - Traffic Speeds
  - Heavily Car Dependant Development

Newport Parish Council:

- 9.2**
- Adjacent Site recently refused for a smaller scheme
  - LPA benefits from a Five-Year Land Supply
  - Heritage Impacts
  - Parking not Compliant with The Uttlesford Adopted Parking Standards
  - Limited Bus services
  - Not Considered to be Infill
  - Loss of Habitat
  - Flooding
  - Ecological Impact
  - Design and Materials
  - Access and Construction Management Plan
  - Impact to Landscape
  - Inaccuracies in the Landscaping Assessment
  - NPC Welcome the provision of Affordable housing
  - Foul sewage must not impact the river

## **10. CONSULTEE RESPONSES**

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

**10.1.1** *“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 exceed NDSS and have sizeable private amenity space. The bespoke design for the proposed scheme is to be commended.”*

**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 Mitigation Scheme
- Submission of a Construction Method Statement
- External Lighting
- Electric Vehicle Charging

**10.3 UDC Landscape Officer/Arborist**

**10.3.1** No comments received

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

**10.4.1** *“It is not possible to fully assess the proposals as insufficient information has been provided, and it is recommended that the applicant/agent submit a heritage statement.”*

**10.5 Place Services (Ecology)**

**10.5.1** Ecology have placed a holding objection, due to insufficient ecological information on European Protected Species (bats), protected species (reptiles) and Priority habitats (Chalk Stream and Wet Woodland) being supplied.

**10.6 UDC Principal Ecologist**

**10.6.1** Alongside the consultation response from Place Services Ecology, Uttlesford District Councils Principal Ecologist wanted to raise several issues that, although they may not currently require mandatory mitigation, have implications for nature recovery in the district and within the broader landscape.

**10.7 Place Services (Archaeology)**

**10.7.1** No objections subject to the imposition of conditions regarding:

- The submission of a desk based assessment
- If required by the desk-based assessment, the undertaking of Archaeological programme of trial trenching and excavation.

**10.8 Crime Prevention Officer**

**10.8.1** Whilst there are no apparent concerns with the layout. In order to provide further comments the CPS would require additional details such as:

- Proposed Lighting
- Boundary Treatments
- Physical Security Measures

## **10.9 Affinity Water**

- 10.9.1**
- You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (Debden Road).
  - The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution.
  - If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.
  - Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided.
  - Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions.
  - They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens.
  - There are potentially water mains running through or near to part of proposed development site.

## **10.10 Anglia Water**

**10.10.1** Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

## **11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 31 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 Not Applicable

**11.3 Object**

- 11.3.1
- Noise
  - Impact on Trade during Construction
  - Flooding
  - Potential loss of Local Business
  - S.S.S.I box not ticked on the Biodiversity Checklist
  - Removal of Green Corridor
  - Impact on Protected Species
  - Risk of Pollution to Affinity Waters abstraction plant
  - Isolated Housing Estate
  - Not in keeping with existing cottages
  - Dependency on Private Moter Vehicle
  - Poor Design
  - No requirement for new housing
  - Outside Development Limits
  - Sets a Precedent
  - Archaeological implications
  - Density of Development
  - Proximity to Chalk Stream
  - Potential for Sewage to be discharged into Stream
  - Risk of Pollution to Drinking Water
  - Loss of Trees
  - Increased Traffic
  - Highway Safety Concerns

**11.4 Comment**

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

**12. MATERIAL CONSIDERATIONS**

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

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

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

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

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

**12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Uttlesford District Local Plan (adopted 2005)  
 Felsted Neighbourhood Plan (made 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>	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN6	Infrastructure Provision
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H1	Housing development
	H9	Affordable Housing



H10	Housing Mix
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV10	Noise Sensitive Development
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

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

**13.3.1** The Newport Quendon & Rickling Neighbourhood Plan

**13.4 Supplementary Planning Document or Guidance**

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) 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 Newport and therefore in the countryside for the purposes of the Local Plan. The proposal conflicts with the restrictive approach to housing development in the countryside advocated by Policy S7. However, this policy is partially compliant with the National Planning Policy Framework (NPPF) which is more permissive and seeks to promote sustainable development, accepting that there are differences in the level of sustainability between countryside and town locations. The policy has consistently been found to have moderate weight at appeal.

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

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

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

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

*For plan-making this means that:*

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

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

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

*For decision-taking this means:*

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

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

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

**14.3.5** The development site is located outside development limits. The Council’s October 2023 published land supply figure is 5.14, however taking into account the updated NPPF (Dec 2023) it is noted that as Uttlesford District Councils Adopted Local Plan is over 5 years old this figure does not include the necessary 20% buffer.

**14.3.6** The Local 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. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

**14.3.7** Paragraph 14 of the NPPF states that: *“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.”*

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

**14.3.9** *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.

**14.3.10** *The Countryside:*

The application site is outside defined development limits and is therefore deemed to be in the countryside. Policy S7 of the Uttlesford Local Plan states that the countryside will be ‘protected for its own sake’, that ‘development in the countryside will be strictly controlled’, and that ‘permission will only be given for development that needs to take place

there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

**14.3.11** Policy S7 takes a more protective approach to countryside development, unlike NPPF's positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly controlled, and isolated houses will need exceptional justification (para 80).

**14.3.12** Uttlesford Local Plan Policy H10 seeks to ensure all new developments of 3 or more dwellings include a significant proportion of market housing comprising small properties.

**14.3.13** The Newport Quendon & Rickling Neighbourhood Plan Neighbourhood Plan was made on the 28<sup>th</sup> June 2021, this plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

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

NQRGSE1 - Surface water discharges into watercourses

NQRHA1 - Coherence of the villages

NQRHA2 - Connection with the countryside

NQRHA3 - Building in the countryside

NQRHD1 - Parking Standards

NQRHD2 - Housing Design

NQRHD3 - Use of Specimen Trees

NQRHD4 - House sizes

NQRHD5 - Densities

NQRHD6 - Affordable housing

NQRTR1 - Extension of footways

**14.3.15** NQRGSE1 - Surface water discharges into watercourses

Developments resulting in increases in surface water run-off, which will enter watercourses in the parishes will not be supported unless there is clear evidence that the effect of mitigating measures will be to reduce, or at worst not increase, the risk of flooding.

**14.3.16** NQRHA1 - Coherence of the villages

Development of sites within the Development Limits will be supported if of a scale and setting relating well to the villages, with good vehicle access and where safe, convenient pedestrian and cycle access is in place

providing good connectivity from residential areas to the village centres and bus stops and, in Newport, the railway station

Further development outside of the development limits shown in the Development Limits maps, will not be supported other than:

- Development appropriate for a countryside location, defined as agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside.
- Small scale infill development within existing clusters of development.
- Affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way including some market housing necessary to secure the viable delivery of the affordable homes.
- Residential conversion of redundant or disused rural buildings, which will enhance their setting.
- Subdivision of an existing dwelling.
- Construction of new houses of exceptional design meeting the criteria set in paragraph 79e) of the NPPF.
- Conversion of existing buildings and the erection of well- designed new buildings for business uses.

#### **14.3.17** NQRHA2 - Connection with the countryside

Proposed development must be sensitive to the setting of Newport within the surrounding countryside. The design and layout of any new development must take into account existing views into and from the countryside and ensure that the visual connection to the countryside is not lost.

#### **14.3.18** NQRHA3 - Building in the countryside

Development will be permitted provided that:

- Cross-valley views in the river valleys are maintained with development on valley sides respecting the historic linear Newport settlement pattern, form and building materials of the locality;
- Panoramic views of the plateaux and uplands are maintained especially open views to historic buildings and landmarks such as the churches of St Mary's Newport and All Saints Rickling;
- The development protects and enhances the historic settlement pattern, especially scale and density, and that it uses materials and colours that complement the landscape setting and landscape character. Such development should be well integrated with the surrounding landscape;
- The development protects and enhances the landscape pattern and structure of woodland areas, hedgerows and individual trees and does not diminish the role they play in views across the landscape;

- The development protects and enhances the historic landscape character of field patterns and field size, greens, commons and verges;
- It preserves and enhances the landscape significance and better reveals cultural heritage links.

#### **14.3.19** NQRHD1 - Parking Standards

Parking arrangements must be in compliance with up to date relevant parking standards currently in force in Uttlesford district.

In addition, in-line parking, or other similar inaccessible arrangements, above two spaces will not count towards the number of parking spaces required by the adopted policies.

Provision of electric charging points will be encouraged.

#### **14.3.20** NQRHD2 - Housing Design

To be supported a development proposal will be expected to, through layout, design and materials, and where it is appropriate:

- Relate well to its site and its surroundings.
- Make a positive contribution towards the distinctive character of the village as a whole.
- Contribute to local character by creating a sense of place appropriate to its location.
- Be appropriate to the historic context and the Conservation Areas Page 67 of 110.
- Maintain visual connections with the countryside.

Design and Access Statements will be expected to show how the scheme has had regard to the Essex Design Guide. Other applications are also encouraged to show how they also have had regard to the principles set out in the Guide.

#### **14.3.21** NQRHD3 - Use of Specimen Trees

New developments will be expected, wherever possible, and appropriate having regard to the nature, form and layout of the development, to incorporate adequate space for the planting of specimen trees, and to plant such trees, for example in amenity areas and on perimeters.

#### **14.3.22** NQRHD4 - House sizes

New housing developments will provide for a mix of house types and sizes to meet the different needs of the local area and the District as a whole.

In order to contribute towards the balancing of the housing stock, the mix of house sizes in applications for ten or more houses is expected to have

regard to local housing need and indications of market demand. They will also be expected to demonstrate how the house sizes are meeting that need and demand.

**14.3.23** NQRHD5 - Densities

Within the development limits, and adjacent to the settlement boundaries, housing density should be in the range of 30 – 50 dwellings per hectare. Outside of development limits a maximum of 20 per hectare will be supported, unless a departure is justified on the basis of the particular characteristics of the scheme.

**14.3.24** NQRHD6 - Affordable housing

Developments on sites of 10 dwellings, or where the site has an area of 0.5 hectares or more, will be required to provide 40% of the total number of dwellings as affordable dwellings on the application site and as an integral part of the development.

Provision of social housing, which is purely for rent, and at rates significantly lower than market rents, will be supported.

Developers may not circumvent this policy by artificially subdividing sites. Where sites are subdivided, the Council will normally expect a subdivision or smaller development to contribute proportionately towards achieving the amount of affordable housing which would have been appropriate on the whole or larger site.

**14.3.25** NQRTR1 - Extension of footways

Where development outside development limits is considered acceptable, the development will be expected to provide or fund where it is justified, appropriate and deliverable, safe footways connecting to the nearest settlement. These may be alongside roads, or preferably on the inside of developments, connecting to existing footways.

**14.3.26** ***Applying policy S7 tests in conjunction with paragraph 8 of the NPPF:***

**14.3.27** Economic objective:

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

**14.3.28** Social objective:

For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located to the North of Newport and to

the West of Saffron Walden, there is a linear line of residential development to the south of the site and as such, although not ideally positioned, it is not isolated.

**14.3.29** Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore paragraph 80 is not applicable on this occasion.

**14.3.30** 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 Newport and the Town of Saffron Walden. Although the new dwellings 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:

**14.3.31** 2 no. Bus stops (Wendens Ambo, Sparrowsend Hill) approximately 50m away.

There are regular hourly bus services between Saffron Walden – Bishop's Stortford as of (1<sup>st</sup> Aug 2022) running Monday-Sunday.

The (319 service) demonstrates five buses a day between Haverhill – Audley End as of (1<sup>st</sup> Aug 2022) running Monday-Sunday.

The (320 service) demonstrates five buses a day between Haverhill – Audley End as of (1<sup>st</sup> Aug 2022) running Monday-Sunday.

The (321 service) demonstrates a limited service that includes school buses between Haverhill – Audley End as of (1<sup>st</sup> Aug 2022) running Monday-Sunday.

The (441 service) demonstrates a limited school service between Takeley – Saffron Walden High School as of (2<sup>nd</sup> Sept 2018) running Monday-Friday.

The (444 service) demonstrates a limited school service between Barley – Saffron Walden High School as of (21<sup>st</sup> Nov 2016) running Monday-Friday.

**14.3.32** The site is also walking distance from the Cambridge to London Mainline which offers regular train services into London, Cambridge, Stansted Airport and other connections.

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

Environmental objective:



The proposal seeks to make more efficient use of the land and provide housing both market value and affordable.

**14.3.34** *The Newport Quendon & Rickling Neighbourhood Plan:*

**14.3.35** ***Applying Policy NQRGSE1 tests:***

The Lead Local Flood Authority have been consulted, they do not have any objections towards the proposal with regards to flooding subject to conditions on any forthcoming application.

**14.3.36** ***Applying Policy NQRHA1 tests:***

The proposal is outside the development limits.

Criterion i): Does not meet the criteria.

Criterion ii): Not small-scale infill.

Criterion iii): Not demonstrated to be a rural exception site, however the proposal does demonstrate affordable housing.

Criterion iv): Not Applicable.

Criterion v): Not Applicable.

Criterion vi): Does not meet the criteria.

Criterion vii): Not Applicable.

**14.3.37** ***Applying Policy NQRHA2 tests:***

The proposal is visible from outside the site and it can be argued that residential development within this location would impact the visual connection to the countryside is lost.

**14.3.38** ***Applying Policy NQRHA3 tests:***

Criterion i): Not Applicable

Criterion ii): Not Applicable

Criterion iii): Does not meet the criteria.

Criterion iv): Does not meet the criteria.

Criterion v): Does not meet the criteria.

Criterion vi): Does not meet the criteria.

**14.3.39** ***Applying Policy NQRHD1 tests:***

Criterion i): The proposal does not meet the Uttlesford Adopted Parking Standards (2013), visitor parking is not provided.

Criterion ii): Not Applicable

Criterion iii): This can be secured by condition under ENV13 of the Uttlesford Local Plan (2005).

**14.3.40** ***Applying Policy NQRHD2 tests:***

Criterion i): Does not meet the criteria.

Criterion ii): Does not meet the criteria.  
Criterion iii): Does not meet the criteria.  
Criterion iv): Not Applicable.  
Criterion v): Does not meet the criteria.

**14.3.41 Applying Policy NQRHD3 tests:**

Criterion i): This can be secured by condition under ENV3 of the Uttlesford Local Plan (2005).

**14.3.42 Applying Policy NQRHD4 tests:**

The proposal demonstrates an appropriate housing mix to meet Policy H10 of the Uttlesford Local Plan (2005).

**14.3.43 Applying Policy NQRHD5 tests:**

Outside the Development Limits the policy limits the maximum number of dwellings to 20 in a given 1 hectare area.

The site is approximately 1.2 Hectares in size and proposes 10 no dwellings, therefore it meets the criteria.

**14.3.44 Applying Policy NQRHD6 tests:**

Uttlesford District Councils Housing Officer has commented on the proposal and stated the following:

*“The affordable housing tenure mix for the 40% affordable housing provision should therefore be 70% for Affordable Rent and 30% Shared Ownership which equates to 3 properties for Affordable Rent and 1 for Shared Ownership.”*

Therefore, it meets the criteria.

**14.3.45 Applying Policy NQRTR1 tests:**

The Highways Authority have requested that the following:

*“The access arrangement should include a 2m wide footway from the proposed access to the North for a length of the site’s frontage with a pedestrian crossing, and a 2m wide footway connection from the proposed access to the existing footway to the South.”*

The proposal does not include this requested footway at this time, as such it fails to meet the criteria.

**14.3.46 Appeal on the adjacent site for 2-no dwellings.**

Under application UTT/20/0806/FUL, an application for the erection of two new semi-detached cottages was refused on harm to the Listed Historic Park and its visually intrusive nature of the development.

**14.3.47** It was subsequently dismissed at appeal. As part of the Planning Inspectors conclusion, they did not raise any concerns with the location of the site or its proximity to public transport or services.

**14.3.48** *“The site is not too distant from a range of facilities and services. It benefits from a bus service that would provide a link to such facilities. There is also a footpath in both directions that would be beneficial especially during daylight hours.*

*Given the nature and character of the road and the distances involved, whilst walking and cycling would be practical for some, most journeys are likely to be by private car.*

*Distances however, to shops and services, may be relatively short. Whilst not an ideal location for new housing, this is not an inaccessible location and as such, it gains some support from the Framework with regard to increasing the provision of housing where these may enhance or maintain the vitality of rural communities.*

*The building of the houses would also require investment and the new residents would no doubt contribute to the local economy. The proposal therefore gains some support from the social and economic objectives of the Framework.”*

**14.3.49** The proposal now before the Planning Committee is materially different and concerns a larger development consisting of 10-no. dwellings located outside of the Short Grove Estate.

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

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

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

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

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

**14.4.5**

Plot no.	Type	No of Bedrooms	Footprint (m2)	Eaves Height (m)	Ridge Height (m)	Approximate Garden Size (m2)
Unit 1	Semi-Detached	4	GF – 106m2 FF – 79m2	4.5m	7.3m	218m2
Unit 2	Semi-Detached	1	GF – 59m2	2.3m	4.3m	129m2
Unit 3	Detached	4	GF – 108m2 FF – 97m2	4.5m	6.7m	346m2
Unit 4	Semi-Detached	3	GF – 84m2 FF – 83m2	2.3m & 4.5m	7.5m	240m2
Unit 5	Semi-Detached	3	GF – 78m2 FF – 71m2	4.5m	6.7m	205m2
Unit 6	Detached	2	GF – 102m2	2.2 & 2.8m	5.5m	307m2
Unit 7	Semi-Detached	1	GF – 63m2	2.1 & 2.4m	5m	204m2
Unit 8	Semi-Detached	2	GF – 52m2 FF – 51m2	4.6m	6.7m	212m2
Unit 9	Semi-Detached	3	GF – 77m2 FF – 56m2	4.5m	7.3m	193m2
Unit 10	Semi-Detached	3	GF – 77m2 FF – 56m2	4.5m	7.3m	165m2

**14.4.6** The residential dwellings proposed would comprise 8 no semi-detached dwellings along with 2 no detached dwellings.

**14.4.7** The proposal consists of the following:

Market value dwellings:

- 1-no. One Bedroom Dwelling.
- 1-no. Two Bedroom Dwelling.
- 2-no. Three Bedroom Dwelling.
- 2-no. Four Bedroom Dwelling.

Affordable housing dwellings:

- 1-no. One Bedroom Dwelling.
- 1-no. Two Bedroom Dwelling.
- 2-no. Three Bedroom Dwelling.

**14.4.8** The proposal demonstrates a mix of dwellings, with both single storey and two storey form factors,

**14.4.9** It is noted that the proposal is substantial in scale, mass, form, height. In addition, given the prominent location, design and appearance of the proposed dwellings, it is considered that when the proposals subject of this application are viewed from the street scene and the wider setting the proposal would be read as an incongruous and discordant addition to the locality.

- 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.
- 14.4.12** 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.
- 14.4.13** The range of materials presented are a mixture of the following:
- Exposed brick
  - Flint detailing
  - Timber weatherboarding
  - For the roofing, natural slate and clay tiles.

Due to the prominence of the site, subject to a condition requiring samples to be submitted prior to Commencement, the proposed materials are considered to be acceptable if the principle of the development is acceptable.

- 14.4.14** It is noted that the trees within the site are not protected, a number of trees will have to be removed in order to accommodate the housing. In any forthcoming grant of permission, a Hard and Soft Landscaping scheme will be required in order to safeguard the environmental features of the site.
- 14.4.15** The proposal is not considered to be of acceptable design, scale, mass and would not be in keeping with the adjacent 'Sparrowsend Cottages'. The proposal would therefore fail to comply with the requirements of Uttlesford Local Plan Policy GEN2.

## **14.5 C) Heritage**

- 14.5.1** Due to the site's proximity to Shortgrove Estate, a number of specialist advisors have been consulted.
- 14.5.2** Archaeological Advice:  
The County Archaeologist has recommended that the LPA engage in discussions required with Historic England, and with any grant of planning permission that a desk-based assessment of the site in undertaken and depending on the results further investigation via trial trenching.
- 14.5.3** Historic Environments Team:  
Colleagues at the Place Services Historic Environment Team have advised that *"It is not possible to fully assess the proposals as insufficient information has been provided, and it is recommended that the applicant/ agent submit a heritage statement."*

**14.5.4** Historic England:  
They have advised that the LPA seeks the views of its specialist Conservation and Archaeological advisers.

**14.5.5** 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, subject to the outcome of a desktop assessment further archaeological investigation. Historic England have no objections towards the proposal, however the Historic Environments Team at Place Services have objected on the grounds of insufficient information.

**14.5.6** Therefore, and on balance, the proposed development would not comply with the provisions of ULP Policy ENV2 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, 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 made the following comments:

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

*1. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety. Due to the location of the proposed access, the close proximity to the Roundabout and the bus stop laybys, it is critical that a Road Safety Audit stage 1 is submitted as part of this application. London Road is a classified B road and a main distributor in Essex County Council’s Development Management Route Hierarchy. The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.*

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

**14.7.4** With regards to parking provision, whilst this is demonstrated on the supplied plans, the proposed parking spaces do not meet the adopted Uttlesford parking standards.

**14.7.5** There are no visitor parking spaces demonstrated on the plans, visitor parking is 0.25 spaces per dwelling, as the proposal demonstrates 10-no. dwellings the proposal should ideally provide 2.5 parking spaces for visitors to avoid parking on the road.

**14.7.6** As such the proposal would fail to meet the adopted minimum parking standards and does as such fails to accord with Uttlesford Local Plan Policy GEN8.

**14.7.7** It is therefore concluded that the proposal fails to accord 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.
- 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** Paragraph 180 of the NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*



*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

- 14.10.3** Essex County Council Ecology has been consulted on the proposal, they are not satisfied that there is sufficient ecological information available for determination, and as such have placed a holding objection on the proposal.
- 14.10.4** Within the County Ecologist’s response, they go onto state that they “*are not satisfied that there is sufficient ecological information available for determination of this application. This is because further information is required in relation to trees with potential roosting features for bats, potential reptile populations at the site and mitigation in relation to Chalk Stream and Wet Woodland Priority habitats.*”
- 14.10.5** Due to the site being adjacent to the River Cam, with the river running in close proximity to a number of Sites of Special Scientific Interest (S.S.S.I) Ecology would require a number of measures and surveys in order to ensure that a proposal in this location would not harm any protected species, priority habitats, woodlands.
- 14.10.6** Alongside the consultation response from Place Services Ecology, Uttlesford District Councils Principal Ecologist wanted to raise several issues that, although they may not currently require mandatory mitigation, have implications for nature recovery in the district and within the broader landscape.
- 14.10.7** “*The new Uttlesford Local Plan (currently at Regulation 18) has identified Chalk Streams and their supporting habitats as an important biodiversity asset within the district. Chalk Streams are rare and fragile habitats of global significance. The site is bounded along its length to the east by the River Cam Chalk Stream and associated Wet Woodland, both of which have been identified by Natural England as Priority Habitat. River Habitats currently require a mandatory 10m buffer from the riverbank shoulder but our Local Plan will go further by requiring a 15m buffer to ensure protection for Chalk Streams. Although the Local Plan is not yet in place, its draft recommendations should be taken into account.*”
- 14.10.8** “*The emerging Local Nature Recovery Strategy (LNRS) for Essex will highlight the importance of rivers within Essex and their place in the National Nature Recovery Network. A catchment-based approach is widely recognised as the most effective way to deliver nature-scale*

*recover for river habitats. The Essex LNRS will identify the River Cam catchment as a key focus for nature recovery for Uttlesford, highlighting opportunities for its enhancement and the expansion of its supporting habitats.”*

**14.10.9** *“It is therefore important to consider the strategic significance of this site in the context of imminent national and local initiatives for landscape-scale nature recovery. The site is strategically important for Uttlesford biodiversity and its development under the current proposal would be detrimental to achieving LNRS goals.”*

**14.10.10** As such, the proposal as submitted would not 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** Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

**14.12.2** 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 commencement of works on site.

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

#### **14.13 K) Planning Balance**

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

Paragraph 11 (d) of the NPPF advises:

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

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

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

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

**14.13.3** The area is covered by the Newport Quendon & Rickling Neighbourhood Plan Neighbourhood Plan was made on the 28<sup>th</sup> June 2021.

**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.
- The addition of 10-no. new dwellings in this location it would contribute to the Local Planning Authority land supply.
- Provision of Affordable Housing Units.

**14.13.5** Negatives:

- Outside Development Limits.
- Does not comply with the Newport Quendon & Rickling Neighbourhood Plan Policies NQRHA1, NQRHA2, NQRHA3, NQRHD1, NQRHD2, NQRTR1.
- 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 not outweigh the negatives of the development as a whole.

**14.13.7** The principle of development is therefore not considered to be acceptable and would not be in accordance with Uttlesford Local Policies Uttlesford Local Plan Policy S7, Policies NQRHA1, NQRHA2, NQRHA3, NQRHD1, NQRHD2, NQRTR1 of the Newport Quendon & Rickling Neighbourhood Plan and the National Planning Policy Framework (2023)

**15. ADDITIONAL DUTIES**

## **15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

## **15.2 Human Rights**

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

## **16. CONCLUSION**

- 16.1** The following is a summary of the main reasons for the recommendation:
- 16.2** The principle of the development is not acceptable to the Local Planning Authority It also fails to accord with the made the Newport Quendon & Rickling Neighbourhood Plan.
- 16.3** The proposed design and scale of the development are not considered to be appropriate for this location.
- 16.4** No objections raised by Archaeology (subject to conditions) or Historic England. The Conservation Officer has objected on the grounds that a Heritage Statement has not been submitted.
- 16.5** No objections have been raised with regard to the impact on neighbouring dwellings.

- 16.6** The Highways Authority have objected towards the proposal on the grounds of Highways Safety. The proposal also fails to provide visitor parking.
- 16.7** The Lead Local Flood Authority (SuDS) have no objections towards the proposal.
- 16.8** No objections have been raised by Environmental Health.
- 16.9** Insufficient ecological information has been supplied with the application for determination. UDC's Principal Ecologist has raised concerns about the impact of the proposal due to the proximity to the Chalk Stream. As such it would fail to comply with Uttlesford Local Plan Policy GEN7.
- 16.10** The proposals would be constructed to Part M4(2) standards.
- 16.11** No landscaping objections have been raised.
- 16.12** On balance, when the proposal is weighed against the public benefits provided, the tilted balance would not be engaged. The proposal would not secure its optimum viable use.

**17. REASONS FOR REFUSAL**

- 17.1** The proposed development would, by virtue of its scale and design result in an incongruous form of development; detrimental to the character and appearance of the area and countryside setting in conflict with Policies S7, GEN2 of the Uttlesford Local Plan (2005), policies NQRHA1, NQRHA2, NQRHA3, NQRHD1, NQRHD2, NQRTR1 of the Newport Quendon & Rickling Neighbourhood Plan and the National Planning Policy Framework (2023).
- 17.2** Insufficient information has been submitted with this application to enable the Local Planning Authority to assess the impacts of the proposal on European Protected Species (Bats), Protected Species (Reptiles) and Priority Habitats (Chalk Stream and Wet Woodland). In the absence of this information, the proposal would conflict with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023.
- 17.3** Insufficient information has been submitted to demonstrate that the proposal would be acceptable in terms of highway safety. Based on the information supplied, the Highways Authority concluded that a Road Safety Audit would be required to ensure that the proposal is not to the detriment of highway safety.

Therefore, the proposed development would be contrary to Policy GEN1 of the adopted Uttlesford Local Plan (2005), Policy DM1 of the Essex County Council Supplementary Guidance - Development Management (Feb 2011), and the National Planning Policy Framework (2023).

- 17.4** The substandard parking provision for both residents and visitors would be insufficient and would not meet the adopted standards required for the number of dwellings proposed. This would result in on-street parking to the detriment of highway and public safety contrary to the requirements of Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the Uttlesford Local Residential Parking Standards (adopted February 2013).

## APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/23/2575/FUL  
Our Ref: 55497  
Date: 15<sup>th</sup> December 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/23/2575/FUL  
Applicant Mr P Rowe  
Site Location Cricket Willow Field Sparrows End London Road Newport Essex  
Proposal Erection of 10 no. dwellings with garages and storage buildings (including 4 no. affordable homes) with access off London Road, sustainable drainage system and 2 no. wildlife areas

The Highway Authority has reviewed the supporting information and plans submitted with the application, however further detailed plans/details are still missing before we can determine that a safe and suitable access can be achieved. Therefore:

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

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety.

Due to the location of the proposed access, the close proximity to the Roundabout and the bus stop laybys, it is critical that a Road Safety Audit stage 1 is submitted as part of this application.

London Road is a classified B road and a main distributor in Essex County Council's Development Management Route Hierarchy. The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

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

Note:

- i. *Should the applicant be able to submit an RSA that indicates that the proposed access can be provided without detriment to highway safety, the Highway Authority may be able to reconsider its position.*
- ii. *The access arrangement should include a 2m wide footway from the proposed access to the North for a length of the site's frontage with a pedestrian crossing, and a 2m wide footway connection from the proposed access to the existing footway to the South. These details should be included in any drawings submitted for an RSA evaluation.*

*F. Massie*

.....  
pp. Director for Highways and Transportation  
Enquiries to Eirini Spyratou  
Email: [eirini.spyratou@essex.gov.uk](mailto:eirini.spyratou@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



Mark Sawyers  
Uttlesford District Council  
Planning Services

Date: 9<sup>th</sup> November 2023  
Our Ref: SUDS-007106  
Your Ref: UTT/23/2575/FUL

Dear Mr Sawyers,

### **Consultation Response – UTT/23/2575/FUL – Cricket Willow Field Sparrows End London Road Newport Essex**

Thank you for your email received on 07/11/2023 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**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. Please address how foul water from the site will be managed.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

**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.

#### **Condition 5**

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

#### **Reason**

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

Failure to carry out the required maintenance 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.

#### **We also have the following advisory comments:**

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/flood-risk-assessments-climate-change-allowances)

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,

**Anna Murphy**  
**Development and Flood Risk Officer**  
Team: Green Infrastructure and Sustainable Drainage  
Service: Climate Action and Mitigation  
Essex County Council

Internet: [www.essex.gov.uk](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.

## APPENDIX 3 – HISTORIC ENGLAND COMMENTS



Historic England

Mr Mark Sawyers  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER

Direct Dial: 01223 582784

Our ref: **W:** P01568153

14 November 2023

Dear Mr Sawyers

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

**CRICKET WILLOW FIELD, SPARROWS END, LONDON ROAD, NEWPORT,  
ESSEX**

**Application No. UTT/23/2575/FUL**

Thank you for your letter of 2 November 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

**Rosa Teira Paz**

Inspector of Historic Buildings and Areas  
E-mail: [rosa.teirapaz@historicengland.org.uk](mailto:rosa.teirapaz@historicengland.org.uk)



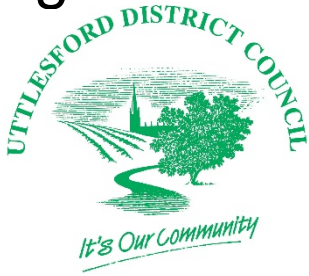
24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.*

# Agenda Item 13



**ITEM NUMBER:** 13

**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** UTT/22/1203/FUL

**LOCATION:** Land Off Pelham Road, Berden.



**SITE LOCATION PLAN:**



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

**PROPOSAL:** Construction and operation of a Battery Energy Storage System and associated infrastructure.

**APPLICANT:** Renewable Connections

**AGENT:** DWD Property and Planning

**EXPIRY DATE:** 28 July 2022

**EOT Expiry Date** 20 January 2024

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Adjacent Public Right of Way (PROW), Flood Zone 1.

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

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**1. INTRODUCTION/BACKGROUND**

- 1.1** This application was presented to members of the planning committee on 30<sup>th</sup> August 2023 with a recommendation for approval subject to suggested conditions.
- 1.2** Members of the planning committee raised several issues in which they felt further clarification was required prior to a decision being able to be made. The points raised by members include:
- a) To seek further clarification regarding the construction traffic routing and forecast construction vehicular trips.
  - b) To consult the Lead Local Fire Authority to specifically review emergency planning / emergency response and safety features focused on the operations of the site.
- 1.3** Subsequently a resolution was made by Members to defer deciding on the application to allow for officers of the Local Planning Authority to liaise with the Applicant to address and provide further clarification in relation to the points above.

- 1.4** Prior to providing clarification of the above two points, it is firstly advised that following the resolution by Members to defer the application, the Applicant has made two updates to the layout of the proposals in response to comments made during the committee meeting. These changes include:
- A Second Emergency Access – The Applicant has sought rights for and incorporated an emergency access, from the other side of the Site to the existing access, which can be used by fire tenders in case of emergency, ensuring access if the main access becomes unusable.
  - Installation of a Water Tank – A 11m x 11m x 3m water tank with a capacity of 245.8m<sup>3</sup> with the intention of providing the site with a minimum of 1,900 l/min (500 gpm) for at least 2 hours in the unlikely event of a fire.
- 1.5** All supporting drawings have been revised to include the above amendments including the red line on the location plan indicating the application site.
- 1.6** **a) Construction traffic routing and forecast construction vehicular trips.**
- 1.7** Members of the previous committee raised concerns regarding the proposed construction vehicle routing and the number of heavy vehicles movements that would be required to travel through some small villages and hamlets and along narrow highways to gain access to the application site.
- 1.8** As presented to Members at the previous committee, two construction vehicle routing options were assessed by the Applicant and the Highway Authorities of Essex and Hertfordshire prior and during the assessment of this application.
- 1.9** One route proposed to access the site from the west primary through East Herts District Council whilst the other from the northeast through Uttlesford District Council and is the one subject to these proposals. Full details are shown in Figure 4 in the below full committee report.
- 1.10** Members perceived during the previous committee meeting that the secondary option (through East Herts) seems to be more favourable as this was more direct and less intrusive on upon the smaller villages and hamlets in the surrounding wider area.
- 1.11** It was thereby suggested if the routing options for construction vehicles could be further explored and for the highway authority to confirm that all options had been fully considered and assessed and that the proposed option was the most preferable as not to cause detrimental harm upon highway safety and disturbance to the local community.

- 1.12** A Construction Traffic Management Plan (CTMP) was originally submitted alongside the planning application. Following the Members resolution, a further Technical Note (TN) has been submitted in support of the proposals providing further clarification in respect to the following:
1. The construction traffic route.
  2. The volume of construction traffic.
  3. Cumulative traffic impact; and
  4. Emergency vehicle access.
- 1.13** Construction traffic route
- 1.14** The Technical Note explained in addition to that already detailed within the CTMP that the proposed route was chosen as it comprises carriageways of a suitable width to accommodate a car and a Heavy Goods Vehicle (HGV) passing one another and will result in the least disruption to the local highway network and background traffic.
- 1.15** The alternative route from the west through East Herts was considered from an early stage. However, it was determined at an early stage with discussions of both highway authorities' that the use of Albury Road would require several temporary traffic mitigations to be implemented as it would not be able to accommodate two-way vehicular flow due to the narrow nature of the road. Therefore, it was considered that this option would result in significant disruption for local road users. It was agreed by both highway authorities that this would lead to more inconvenience to the public travelling within both Hertfordshire and Essex than the alternative route which runs through Essex only.
- 1.16** Furthermore, the turning manoeuvre of vehicles from the Albury Road arm onto Standon Road or Stortford Road would also require the removal of a traffic pole and signal head, which was not considered acceptable by the Hertfordshire County Council highway authority.
- 1.17** The application was reconsulted to Essex County Council highway authority who confirmed that the additional Technical Note has to some extent provided details as to why the construction route through Hertfordshire was not appropriate as summarised above, however these details were not extensive, and that Members would have to decide if this is sufficient.
- 1.18** With regards to highway safety, suggestions were also made by some third parties that the original CTMP failed to present an accurate picture of highway safety along the proposed construction traffic route.
- 1.19** The submitted CTMP includes an assessment of personal injury collisions over a period of ten years within the vicinity of the site and along the construction route which is 15.5km in length between the site access and Bishops Stortford.

- 1.20** The CEMP concluded that the number of personal injury collisions over the 10-year period is not considered to be unusual and that there are no material clusters of personal injury collisions along the route. Incidents recorded are located sporadically across the network.
- 1.21** Once again, no objections have been raised by the highway authority in respect to the details provided within the supporting CEMP.
- 1.22** Comments were also made with respect to the safety of Clavering Primary School.
- 1.23** The Applicant has confirmed that vehicle movements associated with the proposals and as set out within the CTMP that they anticipate that most vehicle movements would be between the hours of 10:00 and 16:00 and 18:00 to 20:00.
- 1.24** It is further submitted by the Applicant that they are happy to agree the hours of the arrival and departure of construction vehicles associated with the site through an appropriately worded planning condition, restricting the movement of construction vehicles past the school during drop off and pick-up hours at the beginning and end of the school day.
- 1.25** It is therefore considered that movements around Clavering Primary School can be controlled and managed. This has been suggested as an additional condition.
- 1.26** Volume of traffic:
- 1.27** The Applicant previously confirmed that they anticipate that assuming a three to five month construction period and a six day working week (72 to 120 days), a total of 370 vehicle movements would be required which equates to on average around six to ten two-way movements per day.
- 1.28** The above figures were questioned by 'Protect the Pelhams' residents' group who suggested that the CTMP underestimates the number of vehicles that would be required to construct the site contrary to their own report prepared by Railton TPC Ltd which provides details that
- 1.29** In response, the Applicant states that the forecast number of construction vehicle trips associated with the development proposals has been provided based on a site-specific analysis, factoring in the existing state/condition of the proposed site, substantial and their professional experience with reference to similar consented schemes across the UK.
- a) Coventry Council FUL/2020/1476 – 49.9MW BESS scheme. Promoted by Pivot Power and approved in January 2021. Forecast to be associated with 352 two-way construction vehicle movements.

- b) Swale District Council 19/502514/FULL 49.9MW BESS scheme. Promoted by Pivot Power and approved in July 2019. Forecast to be associated with 320 two-way construction vehicle movements.
- c) Fife Council 22/03945/FULL – 42MW BESS scheme. Promoted by the Applicant and approved in June 2023. Forecast to be associated with 110 two-way construction vehicle movements.

**1.30** The Applicant confirms that the forecast number of construction vehicles associated with the site are representative and appropriate. These have been checked by the highway authority and no objection have been raised.

**1.31** Cumulative traffic impact:

**1.32** Full consideration has been given to the potential of Cumulative traffic impact by way of the proposals and other similar infrastructure projects in paragraphs 14.3.26 to 14.3.34 in the main report below.

**1.33** In summary, any potential harm can be appropriately mitigated with the imposition of condition 3 as suggested in Section 17 of the main report. No objections have been raised by the highway authority regarding cumulative traffic impact.

**1.34** Emergency vehicle access:

**1.35** Post submission of this application the National Fire Chiefs Council's (NFCC) 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' was released in November 2022, after the initial planning submission. With respect to access, the guidance requires:

- At least 2 separate access points to the site to account for opposite wind conditions/direction.
- Roads/hard standing capable of accommodating fire service vehicles in all weather conditions. As such there should be no extreme of grade.
- A perimeter road or roads with passing places suitable for fire service vehicles.
- Road networks on sites must enable unobstructed access to all areas of the facility.
- Turning circles, passing places etc size to be advised by FRS depending on fleet.'

**1.36** To comply with the above guidance, the proposals have been updated, providing an additional access for emergency vehicles only onto Crabbs Lane to the west of the site. Further to confirmation from ECC, a swept path analysis for an 8.64m fire tender vehicle (as typically operated by Essex Fire and Rescue) has been provided. This demonstrates that a fire appliance can appropriately access and manoeuvre around the site in a forward gear. The proposed development complies with the requirements of the NFCC.

**1.37 b) Fire Safety**

**1.38** As confirmed at the previous committee meeting, there was no requirement to consult the local fire and rescue service in relation to the proposals at the time of the submission of the application.

**1.39** Since the application was submitted, the PPG has been updated in relation to Battery Energy Storage Systems (BESS). The PPG notes the flexibility and cost-effectiveness of providing BESS which allows for the maximisation of usable output from intermittent low carbon generation. Applicants and Local Planning Authorities are encouraged to consult local fire and rescue services prior to planning permission being granted.

**1.40** Members were rightly concerned that in the unfortunate event if a fire or a significant emergency event occurred at the site, by what measures and means were in place to accommodate such an event and therefore requested officers of the local planning authority to consult the relevant fire and rescue service.

**1.41** Members are reminded that this is a cross boundary application with East Herts District Council and that the BESS is located within their authority. East Herts District Council consulted Hertfordshire Fire and Rescue Service (HFRS) as part of the assessment of the application.

**1.42** In their formal response, HFRS confirmed that they did not object to the proposals, however, they did recognise the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector.

**1.43** HFRS further stated that:

- “The developer must ensure the risk of fire is minimised [including by] developing an emergency response plan with HFRS to minimise the impact of an incident during construction, operation and decommissioning of a facility”; and that,
- “The emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling, and responsibility for disposal of damaged batteries, establishment of regular onsite training exercises”; and that,
- “The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to HFRS”.

**1.44** In response to the comments from HFRS and those made by Members of Uttlesford planning committee, the Applicant has prepared and submitted an Outline Safety Management Plan (October 2023).

- 1.45** The objective of the Outline Safety Management Plan is to set out the relevant mechanisms to ensure that any BESS-related safety risks are considered, understood, accounted for, and mitigated as far as practicable throughout the BESS lifetime.
- 1.46** The Outline Safety Management Plan provides an initial risk screening of the proposals and confirms that it is currently envisaged that lithium-ion batteries will be used, and that this technology is fully developed and is also commercially proven and viable. Notwithstanding this, the Outline Safety Management Plan identifies that there are five main lithium-ion battery failure risks, comprising of chemical, electrical, thermal, or thermodynamic, mechanical; and cyber security.
- 1.47** On the spectrum of the probability of the above risks occurring, 1 being the lowest (Improbable) and 5 being the highest (Frequent), the evaluation of occurrence has been given as 5.
- 1.48** With regards to the severity of the risk, once again 1 being the lowest (Minor) and 5 being the highest (Catastrophic) the evaluation of the risk has been given between 4 and 5.
- 1.49** Notwithstanding the probability and severity of the risks because of the proposals, careful detail has been given to the layout and design of the proposals. In accordance with the prevailing BESS codes and standards, the proposals have been as far as practicable designed to ensure that the that fire / explosion risk is eliminated / reduced, but that any fire / explosion propagation / spread is contained / restricted.
- 1.50** Some of these design and layout measures include but are not limited to the following:
- The BESS units will be suitably spaced to prevent the spread of fire from unit to unit, it is anticipated that containers will be spaced in line with NFCC recommendation e.g., minimum of 6 metres to allow suitable access for firefighters or mitigating features are installed to reduce the distance.
  - The battery containers / enclosures, including any emergency liquid containment and disposal provisions.
  - The use of fire-resistant materials / thermal barriers.
  - The provision of vapour cloud / explosion mitigation measures such as venting / deflagration panels in the Battery enclosures.
  - The availability and, associated storage of fire water with the provision of a water tank, and associated used fire water containment and disposal provisions; and,
  - The implementation of any additional features to minimise potential environmental impacts / nuisances to the surrounding area such as the provision of noise reducing barriers (e.g., air / land / water contamination; noise; visual).



**1.51** The Applicant has considered to ensure that this risk is mitigated as far as reasonably practicable, which includes the following measures:

- The installation / integration / use of appropriate temperature and humidity control, monitoring, and ventilation systems.
- The installation / integration / use of automatic fire / gas / smoke detection systems.
- The installation of gas detection and very early warning fire detection systems such as aspirating smoke detectors and carbon monoxide detection to protect against the formation of vapour clouds.
- The installation / integration / use of automatic sprinkler, mist, systems.
- Installation of local water towers to provide an immediate response and support local fire water resource.
- Modules provided with deflagration venting and appropriate explosion prevention.
- The installation / integration / use of any necessary control / protection system related to the additional features / measures to minimise potential environmental impacts / nuisances to the
- surrounding area (e.g. air / land / water contamination; noise; visual).
- The inclusion of redundancy to provide multiple layers of control / protection.

**1.52** Finally, the Applicant has confirmed that in recognition of the potential for residual risks, a risk management plan and an emergency response plan will be developed through consultation and engagement with relevant consultees and stakeholders, including the fire and emergency services. This will ensure that any consultee and stakeholder recommendations and requirements are addressed to enable adequate emergency response.

**1.53** An additional condition is suggested to be imposed to ensure that the BESS, including a Fire Safety and Emergency Response Plan, is submitted, and approved in writing prior works commencing on site. This must involve consultation with Essex County Council Fire and Rescue Service. There is no compelling evidence to suggest that it would not be possible to meet the requirements of these bodies.

**1.54** Essex County Fire & Rescue:

**1.55** The application was consulted to Essex County Fire & Rescue as instructed by Members of the planning committee. The fire authority confirmed that they neither support or object to the proposals but provided general comments relating to access, building regulations, water supplies and sprinkler systems.

**1.56** Full details of the authority response are provided in the Appendix 1 of this report, however a brief summary is provided below:

- Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and the proposal itself does not affect fire service access to existing premises in the vicinity.
- Fire service access to the proposed development appears sufficient, meeting the requirements of Section B5 Approved Document “B” Fire Safety Volume 2.
- The site should include roads with passing places suitable for fire service vehicles.
- It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations.
- Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called “the Authority”) in accordance with “Building Regulations and Fire Safety - Procedural Guidance”.
- The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters.
- There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

**1.57 c) Other Issues**

**1.58 Further Representations:**

**1.59** Following the resolution to defer the application at the previous application, further representations have been submitted to the Council from the public objecting to the proposals. The concerns raised are like those highlighted in Section 11 of the main report below, but also stipulate that the further revisions/documentation do not adequately address the concerns that have been previously raised.

**1.60** Both Berden and Stocking Pelham have also provided further representation in addition to those previously provided objecting to the proposals. As with the comments made by the residents, it was concluded by Parish Councils that the revisions do not address the original concerns previously raised.

**1.61 Environmental Impact Assessment:**

**1.62** Following the revision made to the scheme and predominately due to the extended area of the site due to the proposed second access, a request for a Screening Opinions for the proposals was submitted to the Council under application ref: UTT/23/2641/SCO.

**1.63** The Council previously concluded as per Section 5 of the main report below that given the location of the proposals and taking into

consideration the potential of cumulative impacts arising, it is considered that the proposals would not give rise to significant adverse environmental effects.

**1.64** A screening opinion was issued on 30<sup>th</sup> October 2023 confirming that the proposed revisions will not likely cause a significant effect in addition to that was concluded in the Council's original screening opinion dated 18th July 2023.

**1.65** Further Conditions:

**1.66** In addition to the suggested conditions detailed in Section 17 of the committee report below, it is also suggested that the following condition also be imposed if a resolution to grant permission is approved.

*8. Prior to the commencement of the construction of the Battery Energy Storage System (BESS), a Battery Safety Management Plan (BSMP), including a Fire Safety and Emergency Response Plan, must be submitted to, and following consultation with Essex County Council Fire and Rescue Service and the Health and Safety Executive, approved in writing by the local planning authority. The BESS shall be constructed and operated in accordance with the approved BSMP.*

**1.67** Further to the above it is also suggested that a further clause be added to Condition 5 as suggested in Section 17 of the main report requiring the Construction Traffic Management Plan (CTMP) to include the following:

*No construction vehicles shall travel along the approved construction route between the hours of 8am to 10am and 3pm to 4pm Monday to Friday.*

**1.68** For the ease of reference for Members of the Planning Committee, this Background Summary has been provided in addition to the main body of the original report presented below at the Committee.

### **EXECUTIVE SUMMARY**

**1.1** Full planning permission is sought by the applicant (Renewable Connections) for the construction and operation of a Battery Energy Storage System ('BESS') alongside associated works on 'Land Off Pelham Road, Berden'.

**1.2** This application forms part of a cross-boundary application East Herts District Council. The whole of the site amounts to an area of 1.98 hectares of which a small section designated for underground cabling associated with the Battery Energy Storage System along with an unnamed road to provide vehicle access falls within Uttlesford.

- 1.3 Due to the main elements of the scheme falling within East Hertfordshire., East Hertfordshire District Council is also considering whether or not to grant planning permission. Permission is required from both local authorities in order for the development to proceed.
- 1.4 The applicant has held extensive conversations with the highway authority during the schemes assessment to ensure that the development can be appropriately delivered from a highways and transportation perspective subject to mitigation and the imposition of suggested condition. Issues that have been considered include highway safety, traffic congestion and intensification during both construction and operation phases, and cumulative impacts with other nearby developments.
- 1.5 As detailed in Section 14 of this report, matters concerning highway safety and transportation have been found to be appropriate and that the scheme complies with the required highway standards and guidance.

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 area of land subject to this full planning application relates to the land known as 'Land Off Pelham Road, Berden, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2 The site falls within the jurisdictions of Uttlesford District Council and East Hertfordshire District Council Councils. Figure 1 below provides an aerial view of the location of the boundary splitting the two District Councils and how this relates to the application site and surroundings.

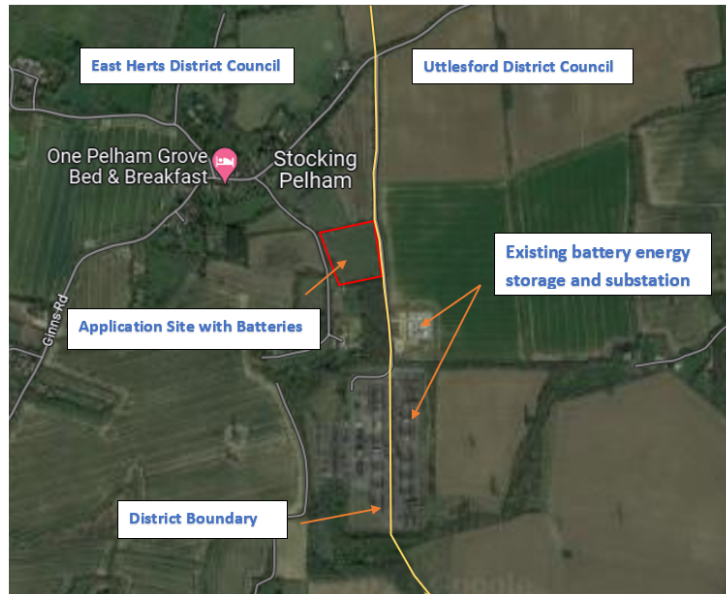


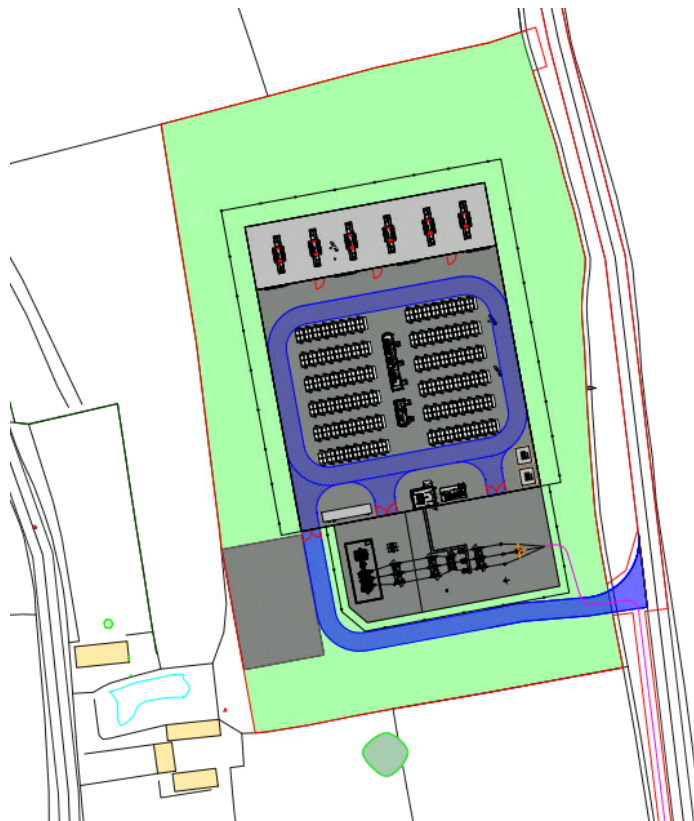
Figure 1: Aerial view of application site and surroundings.

- 3.3** The site is approximately 1.98 hectares in size with only a very small proportion of this being located within Uttlesford District Council. Most of the site in which the extent of the main works associated with this application, and as shown in Figure 1 above are within the boundary of East Hertfordshire District Council. Only the vehicle access along an unnamed private road that extends from Ginns Road to the application site and beyond, and some underground cabling will fall within the jurisdiction of Uttlesford District Council.
- 3.4** The site lies 160m south of Ginns Road and approximately 1.6km west of the settlement of Berden. The site comprises of arable land and is currently used as a paddock. It is generally rectangular in shape and relatively level.
- 3.5** The unnamed private road is in the ownership of the National Grid and extends from Ginns Road up to the site and beyond to a battery energy storage system located approximately 100 metres to the southeast of the main part of this application site. A substation is located further beyond approximately 250 metres to the south. The western edge of the unmade private road defines the boundary splitting the two District Councils.
- 3.6** The closest residential property is located within the jurisdiction of East Herts known as Crabbs Green Farm farmstead approximately 100m south west of the site. Some of these buildings are Grade II listed buildings. To the east, and within the boundary of Uttlesford are large open fields in which planning permission has been recently granted by the Planning Inspectorate for the development of a ground mounted solar farm with a generation capacity of up to 49.99MW ref: UTT/22/2046/PINS.

#### **4. DETAILS OF THE PROPOSAL**

**4.1** The proposed development comprises the construction and operation of a battery energy storage system (BESS) with a total import capacity of 50MW within the area of land outline in red as show in Figure 1 above.

**4.2** As well as batteries (the specific model of which will not be known until post-consent), the site would contain ancillary equipment including electrical transformer units, switchgear units, fencing, access tracks and CCTV cameras. The site also contains storage facilities for spare batteries as well as a Customer Switchroom and Distribution Network Operator (DNO) Switchroom. Figure 2 below provides details of the proposed layout of the works.



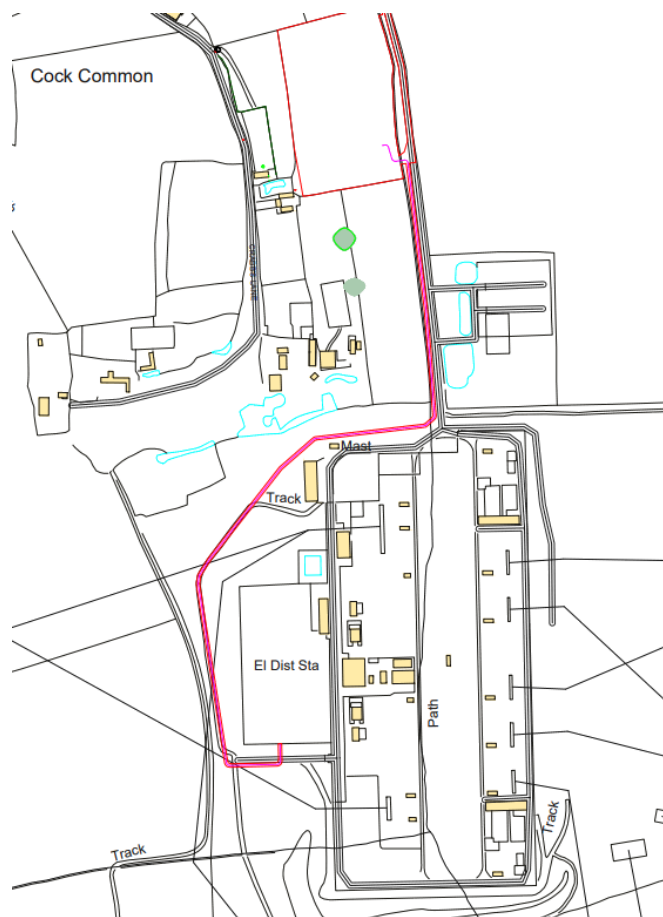
**Figure 2: Proposed Block Plan of the battery energy storage system.**

**4.3** While the proposed development will not generate renewable energy itself, it has been designed to practically fulfil its purpose of storing electricity.

**4.4** The above works do not fall within the jurisdiction of Uttlesford District Council and thereby it would be up to East Herts District Council to assess whether these elements of the proposals are acceptable or not. However, the existing private unnamed road leading up to the site and which will be used for construction traffic and thereafter maintenance vehicles, falls within the administrative area of Uttlesford District Council. Thereby, the Council can assess any perceived highway issues with regards to traffic and transportation and highway safety. The applicant

has indicated that the National Grid own the private road and have granted rights of access in perpetuity to the applicant.

- 4.5** In addition to the above works, it is also proposed to install 132kV Cable underground that would link the proposed batteries to the substation to the south of the site. The cable would be installed underground along the western side verge of the private road for a length of approximately 240 metres which falls within Uttlesford District Council. The cable would then detour west underground within the jurisdiction of East Herts District Council, before linking with the substation. Figure 4 below shows in pink the proposed route of the cable to be installed underground.



**Figure 3: Route of proposed underground cable outline in Pink.**

- 4.6** In summary, the majority of the site, including all physical infrastructure above ground, is located within the administrative area of East Herts District Council while the existing private road from which the site will benefit from access along with a small section of underground cabling would be located within the administrative area of Uttlesford District Council.

**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).

**5.2** A request for a screening opinion was submitted to the Council on 23rd June 2023 under application UTT/23/1599/SCO. The Council provided an opinion on 14th July 2023. This confirmed that 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 to be submitted as part of this application.

## **6. RELEVANT SITE HISTORY**

### **6.1 Application Site:**

**6.1.2** A search of Council's records indicates that there is no relevant recorded planning history for the site that falls under the jurisdiction of Uttlesford District Council.

**6.1.3** Regarding the site that falls within the jurisdiction of East Herts District Council, a search identified two historic planning applications however, both applications related to works taking place in and around the Crabbs Green Farm farmstead and outside of the site itself as indicated by the red line on the site location plan.

### **6.2 Surrounding Sites:**

**6.2.1** UTT/16/2316/FUL - Development of a 49.99MW Battery Storage Facility connected to Pelham Substation. The development will support Enhanced Frequency Response (EFR) which is a new service required by National Grid to help it balance the frequency fluctuations on the grid system (approved 18 October 2016).

**6.2.2** Consultation on S62A/22/0006 - Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping on the site known as Land at Berden Hall Farm, Dewes Green Road, Berden'.

**6.2.3** This application was granted planning permission by the Planning Inspectorate on 9<sup>th</sup> May 2023, subject to conditions.

**6.2.4** Consultation on s62A/2022/0011 - 'Construction and operation of a solar farm comprising ground mounted solar voltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping' on the site known as 'Land East of Pelham Substation, Maggots End, Manuden'.

**6.2.5** This application was refused 11th May 2023 by the Planning Inspectorate.



## 7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1.1 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. The Applicant has entered into a Planning Performance Agreement (PPA) with the Local Planning Authority.

7.1.2 No pre-application discussions were undertaken by the applicant with officers of Uttlesford District Council or Essex County Council prior to the submission of this application.

7.1.3 No information has been provided by the applicant as to whether they took part in any informal or formal consultation with the community.

## 8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

### 8.1 **ECC Highway Authority – No Objection**

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

### 8.2 **ECC Local Flood Authority – No Objection**

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

## 9. PARISH COUNCIL COMMENTS

9.1 Stocking Pelham and Berden Parish Councils have provided a joint objection to the proposal based on the following collective comments:

- 9.1.1
- **Existing Berden Battery Storage Facility:** – Planning permission was granted in October 2016 for this facility which has now been in operation for 4 years. Despite being given assurance in respect to providing mitigation measures such as landscape planting to provide natural screening, as a result further amendments, these details have not been provided.
  - As a consequence, this adds to our concern in respect to proposed mitigation measures for this scheme in that it provides very real measurable case for arguing unmitigated visual blight and noise will once again occur.
  - **Access:** - Construction traffic will give rise to conditions detrimental to highway safety.

- The private road is a public right of way and very well used. It is absurd to have this as a construction route with pedestrian conflict. The proposal does not provide a safe and adequate access and risks highway safety.
- **Fire & Explosion Risk** – The Parish Councils notes the comments of Hertfordshire Fire & Rescue Service who stipulate that appropriate mitigation is required to prevent the risk of fire.
- The Parish raises concerns regarding the potential of fire risk in such close proximity to residential properties.
- **Noise:** - We note the contents of the noise impact assessment. We note the Council's environment health officer recommends refusal on noise grounds.
- **Flooding & Drainage:** - A lack of information has been provided regarding the use of permeable paving as part of the proposals.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health – Objection**

**10.1.1** The Council's Environmental Health team has reviewed all supporting documentation and in summary, based on the information provided, are not able to apply a robust post construction condition that will ensure that sound from the site will not be detrimental to residential amenity.

### **10.2 ECC Place Services (Heritage) – No Objection**

**10.2.1** Upon review of the submitted documents, I do not consider the proposals to result in harm to the significance of the heritage assets within Uttlesford District, thus I raise no objection to this application.

### **10.3 ECC Place Services (Ecology) – No Objection**

**10.3.1** Place Services confirmed that they have review all supporting documentation provided by the applicant. They confirm that they support the proposed reasonable biodiversity enhancements and the proposed mitigation measures and suggest that conditions should be imposed to secure these measures.

### **10.4 London Stansted Airport – No Objection**

**10.4.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposals subject to imposing a condition if permission is approved requiring all exterior lighting shall be capped at the horizontal with no upward light spill.

### **10.5 NATS Safeguarding – No Objection**

**10.5.1** 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.

## **10.6 Cadent Gas Ltd – No Objection**

**10.6.1** We have received a notification from the Line search before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our gas asset/s. We have no objection to this proposal from a planning perspective.

## **10.7 National Grid – No Objection**

**10.7.1** An assessment has been carried out with respect to National Grid Electricity Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to not affect any National Grid Electricity Transmission plc's apparatus.

## **11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Representations have been received by the Council objecting to the proposals for the following reasons:

### **11.2 Object**

- Heritage Assets – The proposal will be harmful to the setting of nearby grade two listed buildings.
- Agricultural Land – The proposals will result in the loss of high-quality agricultural land.
- Countryside & Character – The proposals will be harmful to the intrinsic beauty of this part of the open countryside. It will neither be of a scale appropriate to the size of the village or in keeping with the character of the village.
- Cumulative Impact – The proposals if allowed in addition to the existing substation and recently approved solar farm will add to further industrialisation to the area.
- Safety – Concerns are raised in respect to health and safety concerns fire and explosives. Insufficient mains water to deal with a fire.
- Traffic & Transportation - Access arrangements for construction traffic are not suitable for the narrow lanes in this area.
- Noise - The noise generated by the Battery Park will be unacceptable and have a negative impact on the environment and those living in the area.
- Sustainability - A battery unit is not a source of renewable energy.
- Public Footpaths - There will be a negative impact on users of footpaths.

### **11.3 Comment**

**11.3.1** Most of the concerns raised by the public will need to be assessed by East Herts District Council. Concerns relating to traffic and transportation are discussed in Section 14 of this report.

## **12. MATERIAL CONSIDERATIONS**

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

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

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

## **12.2 The Development Plan**

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

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford Local Plan 2005**

S7 – Countryside  
GEN1 – Access  
GEN2 – Design  
GEN4 – Good Neighbourliness  
GEN8 – Vehicle Parking Standards  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV13 – Exposure to Poor Air Quality

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

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- A) Background**
- B) Highways and Transportation**
- C) Other Issues**

### **14.2.1 A) Background**

- 14.2.2** The application affects both Uttlesford District Council and East Herts District Council. In accordance with National Planning Practice Guidance where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority, identifying which part of the site is relevant to which authority. This has been done.

- 14.2.3** The planning fee is payable to the authority of whichever area contains the largest part (within the red line) of the whole application site. In this case East Herts has by far the greater site area and has been paid the appropriate fee.

- 14.2.4** In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the planning authority in whose administrative area the development proposed is to be carried out. In the case of cross boundary applications, this can lead to two planning authorities making individual determinations, imposing different conditions on the permissions, if approved, or could lead to a conflict in the decision making (approve / refuse).

- 14.2.5** Although there is no set guidance on dealing with such applications, the latter course of action is not recommended as it does not promote a co-ordinated approach to development control and may result in inconsistency in terms of conditions, obligations or indeed where one authority recommends approval and the other refusal. This is highly

undesirable in terms of achieving a co-ordinated approach to delivering development and contrary to the overall tenor of Government Guidance, which encourages 'joint working' between planning authorities in relation to the use of their planning powers.

- 14.2.6** Officers of Uttlesford District Council over the last 8 months have sought to East Herts in the attempt to provide a co-ordinated approach as recommended by central government both by email and telephone correspondence. However, at the time of preparing this report, no communication or feedback has been received from East Herts in respect as to when they are likely to determine their corresponding application or what the recommendation may likely be. Upon review of the application on East Herts website, it confirms that the decision of the application is still pending.
- 14.2.7** It is also understood that the Applicant has also reached out to East Herts Council who have also confirmed that they have had no substantive response
- 14.2.8** As such, officers of Uttlesford District Council consider that it would be unreasonable and unfair to hold up the decision-making process in the determination of the application, and hence why the application has been presented to members of the planning committee.

## **B) Highways and Transportation**

### **14.3** Assessment:

- 14.3.1** As referred to above in this report (Section 4), most of the proposed development falls within the jurisdiction of East Herts District Council with only a small proportion located within Uttlesford District Council.
- 14.3.2** For this reason, the main issues to be considered are those planning merits that Uttlesford District Council have jurisdiction over. The existing access (private road) is the only part of the development that falls within Uttlesford whereby it will be utilise for both construction and operational vehicles. As such the only issues for Uttlesford District Council to consider are in relation to highway and transportation issues.
- 14.3.3** All other issues relating to the planning merits of the application are to be formally assessed by East Herts District Council. This is discussed further below in this report.
- 14.3.4** The underground cabling is not considered to result in any detrimental impacts.
- 14.3.5** Due to the main works (Battery Energy Storage System) falling within East Herts, the usual planning merits Uttlesford Council would usually consider such as impact upon the countryside, design, neighbouring

amenity, noise and disturbance, heritage and ecology are not issues that can be assessed by Uttlesford District Council.

- 14.3.6** The reason for this is that Uttlesford are unable to impose any conditions recommended approved or enforce any breach of conditions or refuse any development that is outside their jurisdiction. However, if necessary, the Council can provide comments in a letter to East Herts District Council of any potential concerns that they wish to advise like providing a consultation response.
- 14.3.7** Access:
- 14.3.8** 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 not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- 14.3.9** The unnamed access track along the site's eastern boundary connects from the National Grid Battery facility in the south to Ginns Road in the north and is privately maintained. It is a single carriageway track measuring approximately five metres wide.
- 14.3.10** It is proposed that access for both construction and maintenance vehicles will be provided from the unnamed access track which routes along the site's eastern boundary.
- 14.3.11** For the junction between the unnamed access track and Ginns Road a 2.4m x 130m visibility splay to the east is achievable to the nearside kerbline. A visibility splay of 2.4m x 94.5m is not achievable to the nearside kerbline to the west due to third party land constraints, with a maximum achievable visibility of 2.4m x 85.5m to the nearside kerbline. However, a 2.4m x 94.5m visibility splay can be provided to the centre of the carriageway.
- 14.3.12** Following the construction of the Battery Energy Storage System the access will be retained for use by maintenance vehicles once operational. The Applicant stipulates that it is anticipated that maintenance vehicles will access the site on an ad-hoc, when required basis and that around one maintenance trip is forecast to the site per month.
- 14.3.13** Construction compound:
- 14.3.14** A temporary construction compound will be located within the site, close to the Battery Energy Storage System. The compound will be suitable size for an articulated vehicle to enter and turn in a forward gear.
- 14.3.15** A temporary car parking area will also be provided within and near the compound on the land located to the north and west of the development,

within the red line boundary. Parking associated with the scheme will therefore be contained within the site.

**14.3.16** The site will also include areas for the storage of plant and equipment associated with construction, meaning no loading, unloading or storage will occur on the local highway network or on public footpaths.

**14.3.17** Proposed mitigation:

**14.3.18** In respect to mitigation, the Applicant has confirmed that:

- The arrival and departure of HGVs at the site will be strictly managed by the site manager.
- deliveries to the site can be limited to outside the typical highway network peak hours on Monday to Friday between 10:00-16:00 and 18:00-20:00, and on Saturdays between 08:00-13:00.
- Temporary signage will be erected in the vicinity of the junction between the unnamed road and Ginns Road during the construction phase.
- Wheel washing facilities will be provided within the site before vehicles exit on to the unnamed access track and the wider highway network.

**14.3.19** PRoW:

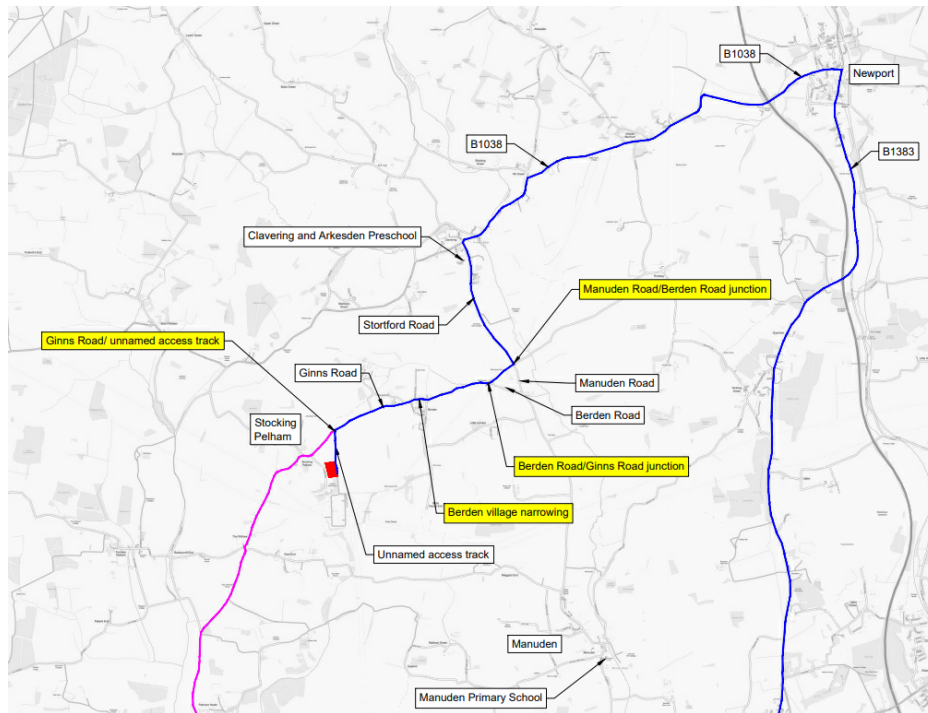
**14.3.20** The Applicant has confirmed that PRoW 27 route which extends in a north south direction along western side of the unnamed road will be maintained throughout the construction period and will not be diverted. It is also proposed that additional signage will be erected at either end of ProW and in the vicinity of the site that vehicles associated with the construction phase will give way to any pedestrians using this PRoW.

**14.3.21** Construction Routing:

**14.3.22** The Applicant anticipates that assuming a three to five month construction period and a six day working week (72 to 120 days), a total of 370 vehicle movements would be required which equates to on average around six to ten two-way movements per day.

**14.3.23** Initially, two construction routes to access the site were originally identified. One route proposed to access the site from the west and the other from the northeast as shown in Figure 4 below.





**Figure 4: Construction Routes.**

- 14.3.24** Following from the submission of the application and during the assessment detailed conversations and dialogue between the Applicant and both Essex County Council and Hertfordshire County Council who are the Local Highway Authorities in the area. From a highways and transportation perspective, it was agreed that option highlighted in blue above from the northeast would be the most preferred access route. It was agreed that the use of this route will require the least temporary mitigation measure and therefore the least disruption to the local highway network.
- 14.3.25** Construction vehicles would access the site from the routing along the A120 then routing north onto the B1383 towards Newport. From Newport, vehicles would route west via the B1038, wherefrom Stortford Road can be accessed. Stortford Road can then be followed south onto Ginns Road.
- 14.3.26** Other Developments & Highway Comments:
- 14.3.27** Post submission of this application, two separate planning applications were submitted directly to PINs for the construction of two solar farms in the vicinity of this application site. For confirmation, planning application S62A/22/0006, Berden Hall Farm has now been granted planning consent and planning application S62A/22/0011, Land near Pelham Sub-station, Maggots End has been refused planning consent by the Inspectorate.
- 14.3.28** As such, there could be the possibility that there could be construction phases overlapping with the consented scheme S62A/22/0006 and

proposed scheme which could result in conflict between HGV traffic travelling similar construction routes.

**14.3.29** Initially, the highway authority in their formal consultation (17<sup>th</sup> January 2023) response were concerned that the Applicant had no prior engagement with Essex County Council regarding a proposed construction traffic route from the northeast using the highway network through Essex. The Construction Traffic Management Plan (CTMP) Revision A did not include any detailed assessment or proposals for managing constrained sections of the highway network through Essex despite this exercise having been carried out for the original construction route through Hertfordshire.

**14.3.30** Additionally, there was also no clarity within the CTMP as to the status of two nearby Solar Farm schemes which if consented would give rise to construction traffic movements on the local highway network during a similar time as this proposal.

**14.3.31** Following the concerns raised by the highway authority the Applicant has submitted a revised Construction Traffic Management Plan (CTMP) Revision B.

**14.3.32** This Construction Traffic Management Plan has now provided sufficient information regarding the issues raised in the highway authority recommendation dated 17 January 2023 to the extent that it is now possible for the Highway Authority to apply appropriate mitigation in relation to construction traffic through the imposition of planning conditions.

**14.3.33** One such condition requires the submission of a detailed phasing strategy to be submitted 6 months in advance of construction works taking place to provide details of the construction programme and any overlaps that might be identified with other consented major developments. If any overlaps in the construction programme are identified, then the phasing strategy shall also specify alternative construction management measures that will be put in place to manage conflicts that may arise during the period of overlap in construction.

**14.3.34** Subject to the suggested conditions as outline in Section 17 of this report, the highway authority have confirmed that from a highway and transportation perspective, the impact of the proposal is acceptable. As such it is considered that the proposals comply with Policy GEN1 of the Uttlesford District Local Plan (as Adopted).

#### **14.4 C) Other Issues**

**14.4.1** Although it is acknowledged as referred to throughout this report that the only material consideration in the determination of this application for Uttlesford District Council is to assess matter relating to highway issues, officers feel that it is important to provide general comments on other

such planning merits that are to be determined and assessed by East Herts District Council.

**14.4.2** Uttlesford are unable to impose any conditions recommended approved or enforce any breach of conditions or refuse any development that is outside their jurisdiction. For this reason, it is believed to be necessary to inform East Herts District Council by way of a letter (like that of a consultation response) to the areas that Uttlesford consider should be given full attention in the assessment of the proposals.

**14.4.3** Countryside Impact:

The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.

**14.4.4** The site lies in open countryside. The proposals would involve the introduction of a new battery energy storage system and associated infrastructure. The proposals will no doubt change the character of the site from one of an arable field to one of which appears more unitarian comprising of a substantial amount of electrical infrastructure, and thereby result in a moderate change to the visual qualities of the landscape. Furthermore, the battery energy storage system would be visible from surrounding properties and PROW's that adjoin and intersect the site.

**14.4.5** East Herts Council should be satisfied that the proposal does not lead to unacceptable (major/moderate adverse) harm to the character and appearance of the area. In cases where any such harm is identified, any negative harm on the environment could be dealt with in a holistic way, with avoidance, mitigation and enhancement considered from the outset and integrated into the design of the proposals.

**14.4.6** Uttlesford District Council would strongly recommend that East Herts District Council engaged a specialist Landscape Consultant to assess the application submission and the impact of the proposed development upon the wider countryside.

**14.4.7** Uttlesford Council would recommend that consideration is given introducing a deeper planting belt around the boundaries of the site that includes infilling hedgerows/tree planting where needed to minimise any perceived visual impact.

**14.4.8** The area is popular with locals and visitors utilising PROW's within and surrounding the site and, therefore, even small-scale changes are likely to be apparent to those who spend their time enjoying / relaxing in this attractive rural area. Officers considered that the proposal would result in moderate adverse visual impacts to the wider countryside.

**14.4.9**      Heritage:

**14.4.10**      Several heritage assets are in close proximity to the application site. There are Grade II Listed Buildings located in Crabbs Green Farm farmstead and the village of Stocking Pelham, with the closest approximately 140 m to the south and 220 m to the north west respectively. These heritage assets are outside the administration area of Uttlesford and fall within East Herts Jurisdiction.

**14.4.11**      Essex County Council Conservation Officer was consultant who advised upon review of the submitted documents, that they do not consider the proposals to result in harm to the significance of the heritage assets within Uttlesford District although suggested that conservation officers with East Herts District should assess the potential impacts upon the heritage assets within their district.

**14.4.12**      Neighbouring Amenity:

**14.4.13**      Uttlesford District Council would suggest that careful consideration is given to ensuring that the proposal does not materially harm the living environments of neighbouring residential properties, particularly with regards to noise and disturbance.

**14.4.14**      Noise, dust, and vibration nuisances are highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan.

**14.4.15**      Noise would be generated as part of the operational phase. A Noise Assessment has been carried out for the Proposed Development which has been submitted as part of this application.

**14.4.16**      Both the Environmental Heath Teams of Uttlesford District Council and East Herts Council have assessed the Noise Assessment.

**14.4.17**      Upon review of the response from East Herts, Environmental officers confirmed that the application lacks sufficient information to satisfy the local authority that the proposal adequately assesses the noise impact of the proposed development and that the report also lacks a significant amount of detail surrounding the overall noise frequencies resulting from the development.

**14.4.18**      Officers from East Herts Environmental Team have expressed that the major concern surrounding the proposal is over the low frequency noise emitted from the proposed DNO transformer which has not been considered at all and therefore no mitigation has been proposed in relation to this. From evidence taken from the existing BEES site it is clear that a distinct low frequency hum at 100Hz is emanating from the main transformer and is audible inside properties some 650m away. Low frequency noise in the frequency range from about 10Hz to 200Hz, has been recognised as a special environmental noise problem, particularly

to sensitive people in their homes, due to its large wavelengths it requires specific mitigation techniques in order to provide effective reduction.

**14.4.19** Officers from Uttlesford District Councils Environmental Team have also expressed significant concerns regarding noise and disturbance. In their latest response, environmental officers confirmed that having reviewed acoustic report and additional technical noise the following concerns are raised:

- i. The use of BS4142 should be applied but is limited due to the potential Low Frequency (LF) sound generated by the plant. Consideration should be given to the assessment of LF noise in parallel to BS4142.
- ii. The LF sound level of plant is unknown currently. LF noise complaints are notoriously difficult to identify and resolve. It is important that full regard is taken to the potential LF breakout noise from the plant.
- iii. There appears to be disparity regarding the L90. Due to fluctuations throughout the night and based on modal variation, I have concerns that this is not representative. I also have concerns that the correction applied to the rating is robust, particularly in the absence of typical spectral data for the transformer.
- iv. I fully understand the position from ion Acoustics regarding the lack of availability of noise data for the proposed transformer. However, transformer sound can be directional and very tonal. The sound power and sound pressure levels applied for the supposed EU Ecodesign Directive transformer does not address these concerns.
- v. I do not necessary concur that the rating limit of 30dB is appropriate. There is a risk that in the evening / night the sound from the BESS could be the dominant audible sound, thus affecting the tranquillity of the area.
- vi. The risk of LF noise impacting on neighbouring sensitive premises needs to be established. Post construction conditions may be of some use, but I have serious concerns due to variation in the ambient and background noise level that the post construction testing will be robust. Some uncertainty is likely to remain, and it is advisable to ensure that all internal noise intrusion is prohibited (with windows open).
- vii. AL01 represents the closest property and under ownership of the landowner. This does not change the position that the property can be later sold on. It must be taken as the closest sensitive position.

**14.4.20** In response to the concerns raised by the Environmental Teams of both Councils, it is understood that the Applicant is working particular with

East Herts District Council in respect to providing appropriate mitigation during the operational phase of the development and to address the concerns raised.

**14.4.21** To confirm, a check of East Herts website indicates, or at least does not show publicly that a revised noise assessment or technical data has been submitted to East Herts. Certainly, it can be confirmed that no such documentation has been submitted to Uttlesford.

**14.4.22** Nevertheless, it is advised that East Herts Council as part of their assessment should ensure that all issues concerning noise and disturbance are fully considered to warrant that no significant harm occurs to the amenities of the occupiers of nearby properties.

**14.4.23** Nature Conservation:

**14.4.24** There is no statutory environmental designation within the site's boundaries, the site is however located 4.8km to the west of Quendon Wood (SSSI) and 2.5km to the north of Hill Collins Pit (SSSI) and 3.2km to the north of Patmore Heath (SSSI). The site is not considered to include protected species, habitat, or priority habitat.

**14.4.25** As the main works falls within the jurisdiction of East Herts District Council, a full assessment of any potential harm to protected and priority species would need to be assessed and undertaken by East Herts.

**14.4.26** This will need to be assessed as part of the ecological and arboricultural assessments to accompany the application. The effects could be mitigated by appropriate landscaping, site layout and possible translocation or other appropriate mitigation measures in relation to protected species.

**14.4.27** Flooding & Drainage:

**14.4.28** The site is in flood zone 1 which has a low probability of flooding, however, as a result of the size and scale of the site and development, this may result in flood risk due to surface water drainage. It is unlikely that the impacts will be significant, however, it will need to be demonstrated that the proposed scheme will create a neutral affect or betterment and that it would not increase the risk of flooding to the area.

## **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 application affects both Uttlesford District Council and East Hertfordshire District Council with most of the proposed development falling within the jurisdiction of East Hertfordshire District Council. Only the existing access (private road) which is to be utilised during the construction and operation phases of the development and some underground cabling falls within Uttlesford District Council.

**16.2** As such, the only issue to be considered by Uttlesford District Council relates to highway and transportation issues. All other planning considerations would be assessed by East Herts District Council.

**16.3** Throughout the assessment of the scheme, the Applicant has continued to have dialog with the highway authority and submitted updated drawings and documentation to ensure from a highway and transportation perspective that the scheme would be acceptable.

**16.4** The highway authority has confirmed that they have undertaken meetings with the applicant and have viewed the proposals and supporting documentation in detail. The highway authority has concluded that the proposals are acceptable subject to the imposition of suggested conditions.

**16.5** The proposals thereby comply with the relevant policies of the Uttlesford District Local Plan (as Adopted 2023) and the National Planning Policy

Framework. It is thereby recommended that the application be approved subject to conditions set out below.

**17. Conditions**

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

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

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

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

- 3** Prior to the commencement of development a detailed phasing strategy shall be submitted as part of the Construction Traffic Management Plan (CTMP) and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The phasing strategy shall specify details of the anticipated construction programme and any anticipated overlaps that have been identified with other identified consented major developments within a 1km radius of the site boundary and based on the most recently published information where available at the time of writing to minimise adverse impacts and identify measures to manage construction traffic conflicts that may arise during the anticipated period of overlap in construction programme(s). The development shall thereafter be carried out in accordance with the approved phasing strategy within the CTMP.

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 4** Prior to commencement of the development, the access arrangements as shown in principle on submitted drawing number P20-1766 (dated 15.02.23) shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 130 metres to the east and 2.4 by 85.5 metres to the southwest, as measured from and along the nearside edge



of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access 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, Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 5** Prior to the commencement of the development, including any ground works or demolition, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning authority. The final approved plan shall generally accord with CTMP revision B dated March 2023.

The detail within the CTMP shall include:

- a) Details of the expected traffic levels during the construction period and operational periods of the development, including numbers of expected HGVs, LGVs, minibuses, cars and their likely distribution across the construction and operational phases of the development.
- b) Detailed final proposed construction traffic routing plan for construction vehicles which where necessary shall coordinate traffic with cumulative development identified within an approved Phasing Strategy (Condition 3 above).
- c) Full details of temporary traffic management/banksmen control/mitigation/delivery timing restrictions required in connection with the construction traffic routing and co-ordination between nearby planned development.
- d) Safeguarding measures for Public Footpath 27 Berden
- e) On site parking and turning arrangements;
- f) loading and unloading of plant and materials;
- g) storage of plant and materials used in constructing the development.
- h) wheel and underbody cleaning facilities for vehicles;

Thereafter the Construction Traffic Management Plan shall be fully adhered to throughout the construction period.

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 6** No development shall take place, including any ground works or demolition, until a detailed Route Mitigation Plan based on the principles

contained in the Construction Traffic Management Plan detailed in condition 5 above has been submitted to, and approved in writing by, the local planning authority and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be implemented and adhered to throughout the construction period.

REASON: To ensure construction traffic is managed on the highway network/public rights of way in the interests of highway safety and Policy DM1 and DM11 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 7 Prior to the commencement of any work on the site an inspection of the route to be used by construction vehicles in connection with the development shall be carried out by the applicant, the scope and methodology of which shall be agreed in advance with the highway authority and include appropriate evidence. The route should then be inspected regularly during construction with any damage arising from construction traffic being dealt with expediently. On completion of the development any damage to the highway resulting from construction traffic movements generated by the application site shall be identified in a remediation plan and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Highway Authority.

REASON: To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance Policy DM 1 of Development Management Policies, Essex County Council (February 2011) and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

## Appendix

### Local Highway Authority

Your Ref: UTT/22/1203/FUL  
Our Ref: 53362  
Date: 13 June 2023



CC: (by email) DM, SMO2, Chelmsford  
PROW, Chelmsford  
Cllr Ray Gooding  
Matthew Armstrong - HertsCC

Paul Crick  
Director for Highways  
and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

#### Recommendation

Application No. UTT/22/1203/FUL  
Applicant Mr Tim Mackellar Renewable Connections  
Site Location Land Off Pelham Road Berden  
Proposal Construction and operation of a Battery Energy Storage System and associated infrastructure. Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) - access only in Uttlesford District

#### **This recommendation supersedes the recommendation of the Highway Authority dated 17 January 2023**

Further to the highway authority recommendation dated 17 January 2023 the applicant has submitted a revised Construction Traffic Management Plan (CTMP) Revision B.

This Construction Traffic Management Plan has now provided sufficient information regarding the issues raised in the highway authority recommendation dated 17 January 2023 to the extent that it is now possible for the Highway Authority to apply planning conditions.

Additionally, there is also clarity as to the status of two nearby Solar Farm schemes which if consented would give rise to construction traffic movements on the local highway network during a similar time as this proposal. Planning application S62A/22/0006, Berden Hall Farm has now been granted planning consent and planning application S62A/22/0011, Land near Pelham Sub-station, Maggots End has been refused planning consent.

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

### *Phasing*

1. No later than six months prior to the commencement of development a detailed phasing strategy shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The phasing strategy shall specify details of the construction programme and any overlaps that have been identified with other consented major developments likely to give rise to significant levels of construction traffic on the local highway network. Should any overlaps in construction programme be identified then the phasing strategy shall also specify any alternative construction management measures that will be put in place to manage conflicts that may arise during the period of overlap in construction programme(s). The development shall thereafter be carried out in accordance with the approved phasing strategy.

**Reason:** To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

### *Access*

2. Prior to commencement of the development, the access arrangements as shown in principle on submitted drawing number P20-1766 (dated 15.02.23) shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 130 metres to the east and 2.4 by 85.5 metres to the southwest, as measured from and along the nearside edge of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

**Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access 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 and Uttlesford Local Plan Policy GEN1.

### *Construction Traffic Management Plan*

3. Prior to the commencement of the development, including any ground works or demolition, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning authority. The final approved plan shall generally accord with CTMP revision B dated March 2023. The detail within the CTMP shall include a) Details of any other scheduled development and associated construction traffic in the area during the construction programme; b) Details of the expected traffic levels during

the construction period and operational periods of the Development, including numbers of expected HGVs, LGVs, minibuses, cars and their likely distribution across the construction and operational phases of the development; c) Detailed final proposed construction traffic routing plan for construction vehicles which where necessary shall coordinate traffic with cumulative development identified within an approved Phasing Strategy (Condition 1 above);d). Full details of temporary traffic management/banksmen control/mitigation/delivery timing restrictions required in connection with the construction traffic routing and co-ordination between nearby planned development; e) Safeguarding measures for Public Footpath 27 Berden g) On site parking and turning arrangements; h) loading and unloading of plant and materials; i) storage of plant and materials used in constructing the development; j)wheel and underbody cleaning facilities for vehicles; Thereafter the Construction Traffic Management Plan shall be fully adhered to throughout the construction period.

**Reason:** To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

#### *Mitigation Measures*

4. No development shall take place, including any ground works or demolition, until a detailed Route Mitigation Plan based on the principles contained in the Construction Traffic Management Plan detailed in condition 3 above has been submitted to, and approved in writing by, the local planning authority and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be implemented and adhered to throughout the construction period.

**Reason:** To ensure construction traffic is managed on the highway network/public rights of way in the interests of highway safety and Policy DM1 and DM11 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

#### *Condition Survey*

5. Prior to the commencement of any work on the site an inspection of the route to be used by construction vehicles in connection with the development shall be carried out by the applicant, the scope and methodology of which shall be agreed in advance with the highway authority and include appropriate evidence. The route should then be inspected regularly during construction with any damage arising from construction traffic being dealt with expediently. On completion of the development any damage to the highway resulting from construction traffic movements generated by the application site shall be identified in a remediation plan and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Highway Authority.

**Reason:** To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance Policy DM 1 of Development Management Policies, Essex County Council (February 2011) and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

**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 and the National Planning Policy Framework**

Note:

- 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, with details to be agreed before the commencement of works. The applicant is advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- ii. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- iv. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the PROWs shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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



.....  
pp. Director for Highways and Transportation  
Enquiries to Matthew Bradley  
Email: [matthew.bradley@essex.gov.uk](mailto:matthew.bradley@essex.gov.uk)

## Lead Local Flooding Authority

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



Uttlesford District Council  
Planning Services

Date: 9<sup>th</sup> June 2022  
Our Ref: SUDS-005793  
Your Ref: UTT/22/1203/FUL

Dear Sir/Madam,

### **Consultation Response –UTT/22/1203/FUL – Land off Pelham Road, Berden**

Thank you for your email received on 29<sup>th</sup> April 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Technical Note 01 by Calibro, dated 07/04/22 and the following mitigation measures detailed within the Technical Note:

- Limiting the discharge from the site to 0.4l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or



within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

**Condition 2**

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

**Reason**

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

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

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

**Condition 3**

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

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

**Reason**

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

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

#### **Condition 4**

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

#### **Reason**

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances)

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

# Essex Fire and Rescue



Essex County  
Fire & Rescue Service

Rick Hylton  
Chief Fire Officer / Chief Executive

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

North West Group Delivery Point  
Harlow Fire Station  
Fourth Avenue  
HARLOW  
CM20 1DU

Enquiries to: Carol Fry Watch Manager  
T: +44(0) 1376 576800  
[northwestgroupsdp@essex-fire.gov.uk](mailto:northwestgroupsdp@essex-fire.gov.uk)

Our Ref: 158631  
Your Ref: UTT/22/1203/FUL  
Date: 18 October 2023

Dear Madam,

**Re: Town & Country Planning Act 1990**

**Planning Application N<sup>o</sup>: UTT/22/1203/FUL**

**Description: Construction and operation of a Battery Energy Storage System and associated infrastructure.**

**Location: Land Off Pelham Road Berden**

Thank you for your email dated 11/10/2023 in which you direct this Authority to the Uttlesford District Council website where details of the above proposal can be viewed.

The application has been considered and I draw your attention to the following comments:

**Access**

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and the proposal itself does not affect fire service access to existing premises in the vicinity.

Fire service access to the proposed development appears sufficient, meeting the requirements of Section B5 Approved Document "B" Fire Safety Volume 2. However, it should be ensured that roads and hardstanding are capable of accommodating fire service vehicles in all weather conditions. As such there should be no extremes of grade. (Essex Appliance weight 8 tonnes).

The site should include roads with passing places suitable for fire service vehicles.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

**Our vision is to make Essex a safe place to live, work and travel**

22/10/2023  
SLJ

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### **Building Regulations**

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

### **Water Supplies**

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

### **Sprinkler Systems**

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

If you have any further queries, then please contact the above Officer quoting our reference number.

Yours faithfully

  
Carol Fry  
Protection



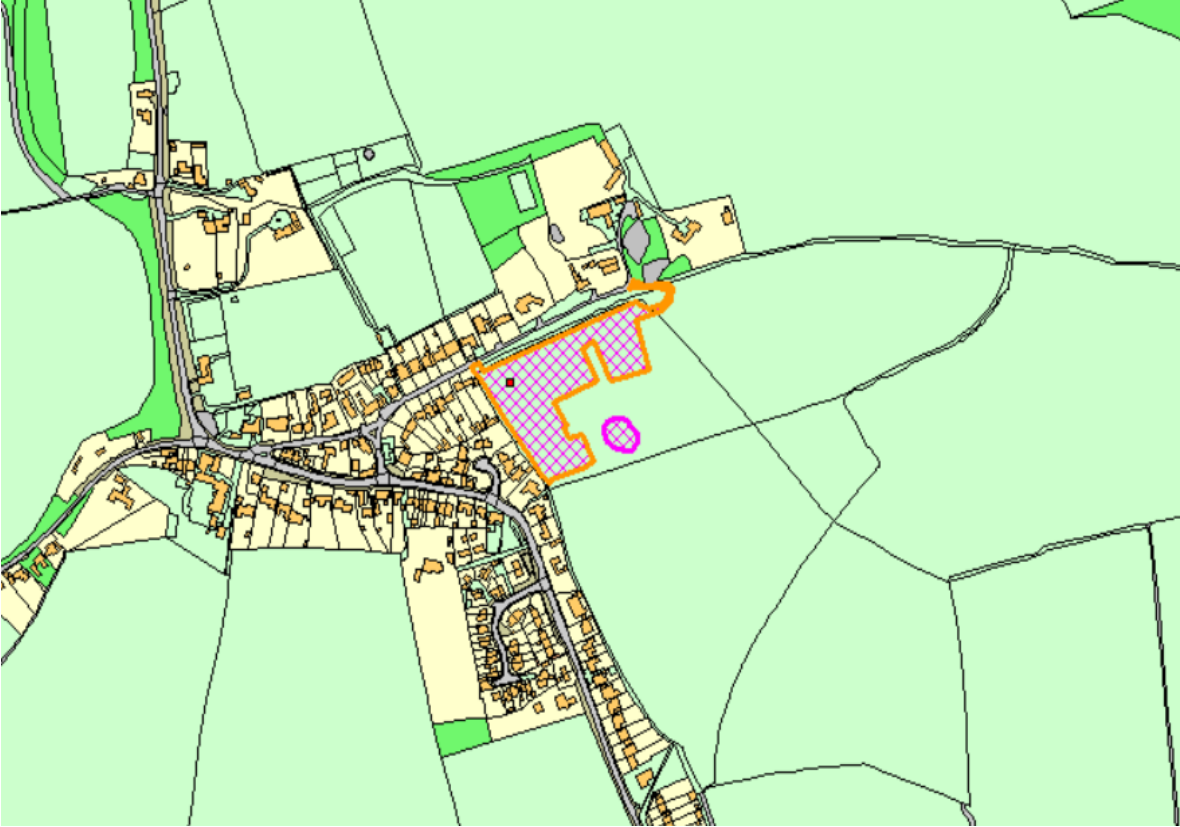
**ITEM NUMBER:** 14

**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** UTT/23/0707/FUL

**LOCATION:** Land South Of Deynes Road, Debden, Essex

**SITE LOCATION PLAN:**



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Organization: Uttlesford District Council      Date: July 2023

**PROPOSAL:** Erection of 9 bungalows with associated works.

**APPLICANT:** Ravendene Holdings Ltd

**AGENT:** Mrs Danielle St Pierre

**EXPIRY  
DATE:** 11.05.2023

**EOT Expiry  
Date** 11.01.2024

**CASE  
OFFICER:** Jonathan Pavey-Smith

**NOTATION:** Outside Development Limits

**REASON  
THIS  
APPLICATION  
IS ON THE  
AGENDA:** Call in Councillor Luck

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**1. EXECUTIVE SUMMARY**

**1.1** This application seeks Full Planning Permission for the creation of 9 no. bungalows on the land, with associated works including landscaping, parking and access.

**1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policy S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is thereby engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.

**1.3** The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, weight has been accorded to the benefits of the development proposed.

**1.4** The planning application was not subject to a pre application consultation with the Highway Authority. As a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of ‘Grampian style’ planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development.

**1.5** Therefore, and taken together, weight to the adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

**2. RECOMMENDATION**

**2.1** That the Strategic Director of Planning be authorised to **APPROVAL** permission Reason for Refusal

A) CONDITIONS



**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site relates to a parcel of land in agricultural use (Grade use which is approx. 1 hectare.
- 3.2** To the north of the site is Deynes Road, a single vehicle road that is partially adopted and partially private. The existing access to the site is located at the boundary between the public and private parts of Deynes Road, currently providing pedestrian and cycle access to the Public Rights of Way which bounds the site's western border.
- 3.3** The site is not located within or immediately adjacent to any conservation area and there are no listed structures on the site. to note are two Grade II listed buildings neighbouring the site. To the north is the Deynes Farm (Grade II) & to the southwest is West View (Grade II), Thaxted Road.
- 3.4** The village of Debden, benefits from a village hall, recreation area, primary school and post office. Local bus stops (on High Street) provide services to Stanstead Airport, Great Dunmow, Wimbish, Felstead, Saffron Walden and Newport.
- 3.5** The site is located within Flood Zone 1.

**4. PROPOSAL**

- 4.1** This application seeks Full Planning Permission for the creation of 9 no. bungalows on the land, with associated works including landscaping, parking and access.
- 4.2** The application proposes the erection of 9 no. detached bungalows over the 1ha site, within an 'L-Shape' which sits against the northern and western boundaries. The bungalows will reflect the existing built form along Deynes Road, effectively continuing the development of the road which is otherwise single sided. Likewise, along the western boundary, the bungalows will sit behind the existing properties along The Close and Thaxted Road.
- 4.3** The properties are all single storey and made up of smaller modules which fit together in u-shaped buildings to provide multiple aspects set around a central courtyard and also minimise their overall bulk and massing. Pitched roofs provide a traditional form that is sympathetic to the wider character.
- 4.4** The proposed development includes 2 no. car parking spaces per dwelling together with a garage or car port per property for additional car or bike storage. 6 no. car parking spaces are also provided across the site for visitors.

**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 No Relevant Planning History

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

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

- A Public Consultation event was held with neighbouring residents on Tuesday 6th December 2022 at Debden Village Hall.

7.2 Uttlesford Council's Pre-application Advice was submitted on the 22nd July 2022.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

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

8.1.1 This Recommendation Supersedes previous recommendation issued 10th August 2023. This planning application was not subject to a pre application consultation with the Highway Authority. As a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of 'Grampian style' planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

9. **Debden Parish Council Comments – Object.**

9.1 Resolved to object on the following grounds:

- i) The development is in the wrong place for the village; the site is open countryside, outside the village envelope. It will change the character of the village.

(ii) The site is part of a large field, giving a wide view over open countryside and there are footpaths, including the Harcamlow Way, giving access for residents and ramblers crossing it.

(iii) It could compromise the setting of two Listed Buildings, Deynes House in Deynes Road and West View in Thaxted Road.

(iv) the current use is agricultural land, it is good quality and has been used for food production for generations, so it should be protected.

(v) Deynes Road is used by Debden School to access Rowney Wood School on foot, by "crocodile" of children walking in pairs.

(vi) Access to the site is at the very top of the adopted part of Deynes Road, but although adopted, the length of the adopted part of Deynes Road is narrow and has no pavements.

(vii) The proposal for a "one-way" traffic system means a road being constructed in parallel to the private part of Deynes Road, which will include considerable hard landscaping of agricultural land and in practice is unlikely to be used; traffic using the entrance ( a right turn from the top of the adopted part of Deynes Road by No.8 Deynes Road) will be used to enter and exit, being potentially dangerous.

(viii) A footpath runs from the adopted part of Deynes Road along the boundary of No.8 Deynes Road and continues along the rear of properties in The Close and Thaxted Road. This footpath does not appear to have been included in the plan for the entrance on to the site, by No.8 Deynes Road. There is no room to segregate vehicles from pedestrians at that point.

(ix) The private part of Deynes Road is narrow and maintained by the residents abutting it.

The Parish Council has viewed the objections posted on the Planning website and supports the residents' comments, having received a number of requests from residents to object to the application and not one in support, and notes there are none in support on the District Council's website.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health – No Objection.**

**10.1.1** No concerns raised in relation to the impact of the development upon the residents of neighbouring properties, or future occupiers of the proposal, subject to conditions.

### **10.2 UDC Landscape Officer**

10.2.1 No Comments Received

**10.3 Place Services (Archaeology) – No objection.**

10.3.1 No objections subject to conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation.

**10.4 Place Services (Ecology) – No objection.**

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures.

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

10.5.1 No Comments received

**11. REPRESENTATIONS**

11.1 Site notice/s were displayed on site and 85 notifications letters were sent to nearby properties. The application was also advertised in the local press.

**11.2 Summary of Objections**

- 11.2.1
- Loss of light.
  - Impact on traffic.
  - Pedestrian safety.
  - Lack of public transport.
  - Impact on protected species.
  - Noise pollution.
  - Loss of wildlife.
  - Design concerns including density.
  - Lack of infrastructure to support the development.
  - There isn't a need for housing.
  - Noise and pollution disturbance during construction.
  - Impact on property values (Officer Comment: this is a purely private issue and not a material planning consideration).
  - Loss of countryside / outside development limits.
  - Loss of green space and removal of trees.
  - It would set a precedent.
  - It would result in coalescence with existing settlements.
  - Impact on light and privacy to neighbouring occupiers.
  - Lack of jobs.

**12. MATERIAL CONSIDERATIONS**

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

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

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

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

## **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made 21 February 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)  
Thaxted Neighbourhood Plan (made 21 February 2019)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great and Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **13. POLICY**

### **13.1 National Policies**

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

**13.2 Uttlesford District Plan 2005**

S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H1 – Housing development  
H9 – Affordable Housing  
H10 – Housing Mix

**13.3 Neighbourhood Plan**

**13.3.1** It is confirmed a Neighbourhood Plan has not been made.

**13.4 Supplementary Planning Document or Guidance**

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Countryside Impact**
  - C) Design & Neighbouring Amenity**
  - D) Heritage Impacts and Archaeology**
  - E) Access and Parking**
  - F) Nature Conservation**
  - G) Climate Change**
  - H Contamination**
  - I) Flooding**

### **14.3 A) Principle of development**

#### **14.3.1 Housing Delivery**

**14.3.2** The 2023 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

**14.3.3** The scheme would facilitate the construction of residential units in a location close to public transport and local facilities. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

#### **14.3.4 Development Limits**

**14.3.5** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

**14.3.6** The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

**14.3.7** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

**14.3.8** A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. The proposal would be located to the

eastern edge of Debden in an area of agricultural land that is adjacent to residential development to the west. Whilst the proposal would have a limited and localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

#### **14.3.9** Loss of Agricultural Land

**14.3.10** Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

**14.3.11** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.

**14.3.12** Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

**14.3.13** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

**14.3.14** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.

**14.3.15** Whilst there would be some conflict Policy ENV5, the site consists of Grade 2 quality agricultural land and therefore classified as best and most versatile land. Given the above and that the loss of BMV land as part of the application would only be approximately 1 hectare, this relatively small loss can only be afforded very limited weight in relation



to the conflict with this policy. As such, there would be insufficient grounds to introduce such a reason for refusal on this basis as part of the current scheme. Therefore, the loss of agricultural land in this location is not considered to give rise to significant conflict with Policy ENV5 or paragraph 174b of the Framework, which would warrant refusing the application in its own right on this ground.

#### **14.3.16** Suitability and Location

**14.3.17** Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

**14.3.18** Although outside the settlement boundaries of Debden, the new built form would be constructed adjacent to the eastern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

**14.3.19** Therefore, the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

#### **14.3.20** NPPF Policy Position

**14.3.21** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14, this figure does not include the necessary 20% buffer. The Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged.

**14.3.22** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**14.3.23** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and

demonstrably' outweigh the benefits of the proposal in the planning balance.

**14.3.24** However, taking into account the engagement of the tilted balance and when reviewed against the aforementioned policies, the proposal is on balance, considered to be acceptable in principle.

#### **14.4 B) Countryside Impact**

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

**14.4.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.

**14.4.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

**14.4.4** The application site lies within the character area known as the Debden farmland plateau, which encompasses the countryside south of Pounce Hall (B1) in the northeast corner, across the farmland plateau centred on Debden village, with Howlett End on the east and Widdington on the western edge.

**14.4.5** The area is characterised by Gently rolling plateau incised by River Cam in the south, Debden Water west of Debden. The assessment describes the key characteristics for the landscape area as being Dense woodland patches or copses, many of them ancient, provide structure in the landscape, Expansive views on open roads at higher elevations. Settlements visible in most directions. Overall, this character area has a relatively high sensitivity to change.

**14.4.6** Given the siting of the site, with residential development adjacent to the eastern boundary of the site, the proposed development would not represent an encroachment into the countryside. Regards have been given to the proposal been designed in an 'L-Shaped' arrangement to closely follow the boundary of the existing settlement. This minimises any wider visual impacts to the countryside.

**14.4.7** The proposal of 9 dwellings would result in the introduction of built form where there is none currently. However, the dwellings are all single storey with a low eaves height to reduce the perceive size of the

dwellings. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

## **14.5 C) Design & Neighbouring Amenity**

### **14.5.1 Design**

**14.5.2** 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.

**14.5.3** Residential housing of various forms and styles are located along the northern side of Deynes Road and the sites western boundary. The village of Debden traditional consist of linear development fronting onto local highways with limited backland or infill development.

**14.5.4** The proposal seeks to provide low-rise dwellings with massing made up of smaller blocks of built form, arranged mostly in a u-shape, which creates opportunities for multiple aspects/orientation for each bungalow and breaks down the perceived massing.

**14.5.5** The design has a traditional character, with brickwork facades and clay tile pitched roof forms, interspersed with modern elements such as full height windows. Low eaves have been utilised to reduce the perceive size of the dwellings and the material palette is varied to include render and black timber cladding to provide further break down of the massing.

**14.5.6** The proposal has been designed in an 'L-Shaped' arrangement to closely follow the boundary of the existing settlement, to minimise any wider visual impacts to the countryside. Spacing between the dwellings has been carefully considered in the context of the immediate locality and the layout provides ample landscape buffers between the new and existing dwellings.

**14.5.7** Given the above, the proposal would comply with Local Plan Policy GEN2.

### **14.5.8 Neighbouring Amenity**

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

**14.5.10** The site shares a boundary with properties along Deynes Road, The Close and Thaxted Road. The nearest residential property is 'The White House' on Thaxted Road, which is 20m away from Plot 1, at its nearest point. All other surrounding properties are over 30m from the site. As such, and given the low-lying nature of the proposed development, we do not anticipate any degree of overshadowing or overlooking to neighbouring residents, to accord with Policy GEN2 of the Local Plan.

## **14.6 D) Heritage Impacts and Archaeology**

### **14.6.1 Impact on nearby Listed Buildings**

**14.6.2** Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

**14.6.3** In terms of heritage assets, a Grade II listed building is located on the western boundary of the proposed site and is known as West View, Thaxted Road. Deynes Farm (A Grade II property, north of the site) has also been considered

**14.6.4** 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'.

**14.6.5** West View is set further south from our development boundary. The view from Thaxted road is not affected by 1980s and 1990s extensions at the rear. The secondary elevation that has view across field is partially enclosed by latter extension. The magnitude of impact by our development is considered negligible.

**14.6.6** However, this is not case in our view for Deynes Farmhouse. The layout of the development has been adjusted, so to maintain the view of this building from the southern footpath. The last dwellings (plot 9) orientation is parallel with Deynes Farmhouse, reinforcing its notional setting.

**14.6.7** Place service have been consulted, but no comments have been received.

**14.6.8** As such, the proposed development would comply with Policy ENV2 of the local plan.

**14.6.9** Archaeology

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

**14.6.11** The ECC Archaeological Team have not commented on the application. However, it is noted that the site does not fall within an Archaeological Site of importance, and it is considered that subject to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation could be adequately secured by way of condition.

**14.6.12** The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with Policy ENV4 of the Local Plan.

**14.7** **E) Access and Parking**

**14.8.1** Access

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

**14.8.3** The application site would be accessed from Deynes Road into the site which would then follow a one-way system moving to the east, where a new exit is proposed back onto Deynes Road.

**14.8.4** Concerns have been raised as part of the public consultation on the application in relation to the proposal impact in terms of increase in traffic, road access being difficult, the lack of a footway, the policing of the one-way system and the impact on the public right of way.

**14.8.5** An initial response was provided by ECC Highways in relation to the application recommended refusal for the impact on the Public Footpath

no 71(Debden) and the proposal would be acceptable in terms of highway safety and efficiency.

- 14.8.6** Consequently, extra details have been submitted to overcome the reason for refusal from the highways department. The highways department have stated 'as a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of 'Grampian style' planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development.'
- 14.8.7** As a result of the planning conditions and the extra information provided, (carriageway and kerb radii measurements, lorry swept path and visibility splays). Subject to conditions, the impact of the proposal is acceptable to the Highway Authority.
- 14.8.8** Trip Generation  
With regard to information obtained from an interrogation of the TRICS database, it is anticipated that the proposed development will lead to an increase in vehicle movements on the local road network. This increase will not result in a significant impact on the local road network. The above would amount to circa one vehicle movement in either direction every 12 minutes during the peak hours.
- 14.8.9** Parking Standards
- 14.8.10** Policy GEN8 of the Local Plan advises that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards'.
- 14.8.11** The adopted Council's Residential Parking Standards (2013) recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more-bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.8.12** As such, the proposal in accordance with the above parking standards set out by UDC, all units are provided with two car parking spaces. The spaces are provided as standard spaces located externally. Further visitor car parking is provided on site to minimise the risk of vehicles parking informally on the access road.
- 14.8.13** With regards to cycle parking, each dwelling will require at least one cycle parking space. It will need to be covered and secure. Dwellings will not require cycle parking spaces if a garage is provided within curtilage

of dwelling. The development will adhere to the above cycle parking standards.

**14.8.14** The provision of electric vehicle charging infrastructure could be secured by way of an appropriately worded planning condition had the application been recommended for approval.

**14.8.15** Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

## **14.9 F) Nature Conservation**

### **14.9.1 Nature Conservation**

**14.9.2** 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.

**14.9.3** The Place Services Ecology team have reviewed the supporting documentation submitted as part of the proposals and consider that the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable, subject to conditions

**14.9.4** The proposed reasonable biodiversity enhancements including the installation of “Swift Boxes” underneath the eaves of newly constructed buildings and Generic bird boxes such as 26mm / 32mm and oval hole nest boxes. Bird boxes should be positioned on 20% of the proposed residential units.

## **14.10 G) Climate Change**

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

**14.10.2** The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. An Energy Statement has been submitted as part of the application which highlights the key sustainability features that would be incorporated as part of the development.

**14.10.3** Building elements with highest standard ‘A+’ Green Guide ratings including upper floors, external cavity walls, internal partitions, insulation

and pitched roof. Material suppliers with responsible sourcing certification guided by a high-quality sustainable procurement policy; Provision of EV charging to all plots. Use of PV to achieve the efficiency levels required under Part L 2021.

#### **14.11 H) Contamination**

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

**14.11.2** The Council's Environmental Health Officer has been consulted as part of the application and notes the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is therefore important to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. It is therefore suggested that, if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This would require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Desk Study Assessment, prior to any works commencing on site, with further potential site investigations and remediation taking place at the site.

#### **14.12 I) Flooding**

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

**14.12.2** The Environmental Agency's website and the Council's policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

**14.12.3** The proposals, for this reason thereby comply with Policy GEN3 of the adopted Local Plan 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. Planning Balance and Conclusion**

**16.1** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years and does include the necessary 5% buffer. That being said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged.

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

**16.3** The development would provide modest economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy.

**16.4** Turning to the adverse impacts of development, the negative environmental effect of the development would be the harmful impact caused to the landscape character and visual effects on the character and appearance of the countryside from the introduction of built form in this location, albeit this would be limited and localised.

- 16.5** The proposed access has been deemed satisfactory to the highway authority subject to conditions
- 16.6** Therefore, and taken together, the harm caused by the proposed development is not considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.7** Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plans is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

**17. CONDITIONS**

**17.3 Conditions**

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

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

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

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

- 3.** Prior to 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).

4. 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).

5. 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.

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

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

7. The air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To 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).

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).

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

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

9. 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 be 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.

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).

10. “All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology Appraisal (Weddle Landscape Design, March 2023) 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).

11. Prior to any development over slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) 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 s40 of the NERC Act 2006 (Priority habitats & species).

- 12.** Prior to commencement of development, detailed technical design schemes for the site access and exit (including visibility splays), for the access to Public Footpaths no16, no 24, no 71 (Debden) and for the proposed one-way system and controls shall be submitted to and approved in writing by the local planning authority, in consultation with the highway authority. The approved details shall be implemented prior to first occupation of the development and shall thereafter be retained in perpetuity.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the continued safe passage of pedestrians on the public right of way and accessibility in the interest of highway safety.

- 13.** Prior to commencement of development, a detailed technical design scheme to include but not limited to mitigation measures such as signage and access points for all affected Public Rights of Way (Public Footpaths no 16, no 71, no 24 and no 22 (Debden)) shall be submitted to and approved in writing by the local planning authority, in consultation with the highway authority. The approved details shall be implemented prior to first occupation of the development and shall thereafter be retained in perpetuity.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the continued safe passage of pedestrians on the public right of way and accessibility in the interest of highway safety.

- 14.** Any gates or barriers provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

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

- 15.** 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

- 16.** The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, has been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

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

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

- 18.** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
- i. the parking of vehicles of site operatives and visitors,
  - ii. loading and unloading of plant and materials,
  - iii. storage of plant and materials used in constructing the development,
  - iv. wheel and underbody washing facilities.
  - v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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

- 19.** The public's rights and ease of passage over public footpaths no 16, no 71, no 24 and no 22 (Debden) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 20.** 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: To be in accordance with Policy ENV4

- 21.** 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 1 above.

REASON: To be in accordance with Policy ENV4

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

REASON: To be in accordance with Policy ENV4

- 23.** 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).



Late List –Planning Committee 10/01/2024

**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.

## **UDC Update 5-Year Housing Land Supply Status**

1. The purpose of this note is to provide clarity on the current status of UDC's 5-Year Housing Land Supply (5YHLS) following the release of the latest Housing Delivery Test (HDT) by government (on 19 December 2023). In addition, the latest version of the National Planning Policy Framework (NPPF) (published on the same date) introduces policy changes to how the 5YHLS test is applied for Local Authorities that have published a draft Local Plan. This has potential implications going forward. Context has therefore been provided on how this relates to UDC.

### **Housing Delivery Test Update and Ramifications for 5 Year Housing Land Supply**

2. In October 2023, UDC published an updated 5-Year Housing Land Supply Statement which set out a list of permitted residential development sites deemed to be 'deliverable' (in line with the NPPF definition) within a 5-year period. This statement relied upon planning permissions data up to 31<sup>st</sup> March 2023 so as to align with the most recently completed annual monitoring exercise which confirmed the extent of housing completions within the district up to this point in time.
3. The 5YHLS statement identified that, between 1<sup>st</sup> April 2023 and the 31<sup>st</sup> March 2028, the number of homes which could be considered 'deliverable' amounted to 3,695. The Objectively Assessed Need (OAN) over the same period, including a mandatory 5% buffer, was 3,591. This meant the Council could demonstrate a surplus of 104 homes, which translated to a housing land supply of 5.14 years.
4. Since the publication of the 5YHLS the Government published the latest HDT results. This test measures how Local Authorities are performing with regard to housing completions when compared against their OAN 'target' across a preceding 3-year period. Within the most recent HDT, this period comprised 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2022. During this period, housing completions within the district (1,055) made up 58% of the required number of homes (1,824). Whilst a significant number of residential permissions have been granted in recent years, many have not yet been built and so are not accounted for in the backwards looking HDT.

### **What does this mean for UDC?**

5. Paragraph 79 (c) of the NPPF clarifies that, with regard to the HDT:

*“where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”*

6. The mandatory 5% buffer applied to the 5YHLS (mentioned in Paragraph 3 above) must now be replaced with a 20% buffer. This has ramifications for the Council's 5YHLS position as detailed below:

	Supply (as of 1 <sup>st</sup> April 2023)	OAN	Buffer	Total Need	Surplus/Deficit	Years Supply
<b>October 2023</b>	3,695	3,420	171 (5%)	3,591	104	5.14
<b>January 2024</b>	3,695	3,420	684 (20%)	4,104	- 409	<b>4.50</b>

7. The Council cannot demonstrate a 5YHLS that includes a 20% buffer. UDC's 5YHLS is now 4.5 years and the presumption in favour of sustainable development held within Paragraph 11(d) of the NPPF is automatically engaged when determining planning applications for residential development within the district. In addition, UDC will now need to prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years.

### National Planning Policy Framework Revision December 2023

8. On the 20<sup>th</sup> December 2023, the Government published the latest version of the NPPF which made several changes to the application of the 5YHLS test. Relevant to UDC is Paragraph 226 which states:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing[...] This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.[...]These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

9. Thus, once the Regulation 19 version of the Local Plan has been prepared (including the publication of a Policy Map) this policy would be engaged and UDC will only need to set out a four-year supply (plus a 20% buffer to either requirement due to the HDT performance).

10. Notwithstanding the above, beginning in April 2024, a further round of monitoring of housing completions within the district will be undertaken. This will facilitate the creation of a new 5YHLS statement, taking into account housing completions and new residential permissions between 1<sup>st</sup> April 2023 and 31<sup>st</sup> March 2024.
11. To support the Local Plan preparation, residential planning permissions have been recorded to monitor ongoing commitments since the 1<sup>st</sup> April 2023. The number of new dwellings permitted since this date, up until 30<sup>th</sup> November 2023, comprises 1,824. When combined with the previous commitments figure within the Regulation 18 Local Plan of 5,722, this totals 7,546 permitted dwellings which are deliverable over the remaining Local Plan period (up to 2041).
12. This growing commitment figure, alongside the NPPF changes made to the application of the 5YHLS which UDC could soon benefit from, suggest that UDC may be able to demonstrate a positive land supply position later this year. However, as the HDT is a retrospective test, housing completions may not be immediately reflective of the strong number of permissions granted.

Item Number	Application reference number	Comment
4	<b>UTT/23/2622/PINS</b>  Land South Of (West Of Robin Hood Road) Rush Lane Elsenham	TBC
5	<b>UTT/23/2810/PINS</b>  Land To West Of Chelmsford Road Hartford End Felsted	<b>UDC - Principal Conservation Officer</b>  The density of the proposed development is uncharacteristic to the area therefore would impact the appearance of its countryside setting, and in turn the designated heritage assets in proximity of the Site. The development would not affect the fabric of the nearby listed buildings however it would affect their setting.  The proposal was submitted in outline with full details reserved for future approval therefore design details are not relevant to this application. However, a development of this scale and rural context requires

		<p>exceptional architectural detailing to ensure that it would be sympathetic to its setting. The information available as part of the Outline application is insufficient to provide further comment i.e. The Planning Statement refers to an 'industrial-like appearance' for properties closest to the former brewery site, however this principle is not outlined within the Design and Access Statement.</p> <p>The information provided suggests the development will be largely screened behind vegetation however it is not possible to comment without architectural massing studies in context, and rendered visualisations as seen from a variety of viewpoints from the public highways, and local properties.</p> <p>The proposed development will inevitably erode the openness of the countryside setting. Further information about design quality is required to review if on balance, the scheme could be Justified.</p> <p><b>UDC – Environmental Health Officer</b></p> <p>No objection subject to the completion of a phase 2 site contamination investigation and if necessary phase 3 remediation scheme, which should be secured by condition.</p> <p>Submission and approval of Air Quality Assessment</p> <p>Submission and approval of construction management scheme/ plan.</p> <p><b>ECC –Archaeological Advice</b></p> <p>No objection subject to the completion of archaeological programme of trial trenching which should be secured by condition.</p>
6	<p><b>UTT/22/2997/OP</b></p> <p>Land Between Walden Road And Newmarket Road Great Chesterford</p>	<p>Officers wish to inform members of the planning committee that following the preparation of the revised committee report, further clarification and guidance has been provided below to help members come to a resolution in the assessment of the proposals hereby presented.</p> <p><u>Updated Legislation.</u></p> <p>A new version of the National Planning Policy Framework was published 19th December 2023. The main points to consider in relation to the proposals include:</p>

		<p>Paragraph 14 extends the protection given to neighbourhood plans from 2 to 5 years.</p> <p>Paras 74 to 76 concern the delivery of housing; essentially ‘five year housing land supply’ and housing delivery test.</p> <p>In summary, if a local plan is more than 5 years old (as with the case of Uttlesford) Councils will need to continue to demonstrate a 5YHLS, and in the event they cannot meet 75% of its housing delivery test figure then the Council will need to include a 20% buffer.</p> <p>Uttlesford latest HDT figures have been published at the beginning of October 2023. Whilst UDC has delivered 1055 homes in the most recently assessed 3 year period (2019-2022), it only represents 58% of our required figure of 1824. This then means that Uttlesford need to add a 20% buffer to our 5YHLS.</p> <p>Uttlesford cannot achieve this, so we are back in “presumption in favour of sustainable development” territory and the tilted balance applies in the same way as before we published our 5YHLS.</p> <p>As a result, rather than providing ‘moderate positive weight’ to the number of residential units proposed as identified in the committee report, officers confirmed that they now give ‘significant positive weight’ to the number of units proposed in relation to the ‘tilted balance’.</p> <p><u>Further Representations.</u></p> <p>Following the resolution made by members of the planning committee, further representations have been received by members of the public that object to the proposals. The main areas of concern are generally a reiteration of those presented in Section 11 of the officers committee report, however, it is worth noting that within the representations, there is a common theme that the proposals would be contrary to the relevant policies of the Uttlesford District Local Plan 2005 (as Adopted), the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p> <p><u>Updated Guidance provided by Applicant.</u></p> <p>The Applicant following the members resolution to defer the application at the previous committee have also submitted further documentation in the form of a ‘Committee Letter’ and a ‘Legal Opinion’ prepared by Rubert Warren KC of Landmark Chambers and have requested that these documents be circulated to members of the planning committee. These are provided in full below:</p>
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## 2. Great and Little Chesterford Neighbourhood Plan

Committee Members are asked to review the Great and Little Chesterford Neighbourhood Plan policies before the next committee. Catesby wishes to inform Committee Members of its position on the policies set out in the planning officer's reasons for refusal.

In summary:

- **GLCNP/1 – Overall Spatial Strategy**

Catesby agrees with the planning officer that this policy does not restrict development outside of development limits.

Tested against the relevant limb 2b, the policy supports development in the Roman Scheduled Monuments and Setting Zone where they preserve and enhance landscape features and the significance of the monuments including the intervisibility between them. The proposals were designed to maintain intervisibility and include significant landscape enhancements to meet this policy.

- **GLCNP/2 Settlement pattern and separation**

Tested against the two purposes of the Northern Gateway Separation Zone, Catesby agrees with the planning officer that the scheme would not result in coalescence with Hinxton. The first purpose is not conflicted.

The second purpose is to provide a transition between the village and the open plain to the Cam River valley and M11. The application site is separated from both by intervening fields/scheduled monuments and meets the test of 'avoiding significant harm' to those areas.

- **GLCNP/4a Landscape Character**

The scheme seeks to retain the roadside hedgerows and planting and better reveal the cultural and heritage links through the carefully designed heritage park. Catesby agrees with the Place Services (Ecology) Officer supporting the provision of new meadows, woodland and native trees.

Catesby agrees with the Council's Natural Sciences Officer that there is no harm to the special roadside verge.

- **GLCNP/4b Views**

Catesby agree with the Council's Planning and Landscape officer comments, that the broader views from the surrounding area are unaffected and the relevant views affected are the short-medium range views from Walden Road, Newmarket Road and the public footpath by the community centre complex. These are described in the Neighbourhood Plan Table 5.1 as Viewpoints 3,4 and 5.

Catesby agrees with the Council's Landscape Officer conclusion that the change from the two roads would have a medium/moderate adverse effect. Catesby disagrees with the Planning Officer's conclusion that this would have a significant adverse effect.

Catesby acknowledges that these 3 viewpoints will change in character but considers they will continue to serve their specific, stated purpose in the GLCNP.

**Viewpoint 3** – the intervisibility and views from the off-site Temple through to the off-site Roman town are kept open through the heritage park.



**Viewpoint 4** – the view from the public footpath by the community centre complex looking east to the temple is also within the proposed amenity area/heritage park. Built form will not be visible when heading east.

**Viewpoint 5** - this view is from the public footpath by the community centre looking west to the on-site monument (below ground fort) is wholly within the proposed heritage park. Development would be noticeable in the northern periphery but would be within a landscaped setting.

- **GLCNP/5 Historic Environment**

Catesby agrees with the Council's Planning Officer that the development impacts to the undesignated heritage asset ('The Mills') can be mitigated.

The protection and enhancement of the open visibility between the (below ground) Roman town, fort and the temple is a specific strategy for the proposed development parameters and heritage park. Catesby agrees with Place Services (Archaeology) that the proposed visual corridor between the fort/town and the temple is supported along with the provision of the heritage park as this will retain some visual connection between the Fort and Temple sites.

The policy states that development along Newmarket Road should avoid any **significant** detrimental impact on views into the scheduled monuments. The existing and proposed planting and heritage park are proposed to support this policy requirement.

The archaeological investigations have been published and added to the public Museum and Archives records.

The achievement of a high-quality design and materials can be secured at the detailed design stages.

**Next steps**

We understand the application is included on the agenda for the 10<sup>th</sup> January 2024. We ask that this letter and its enclosures are uploaded to the application page on the Council's web portal and the content circulated to Members/included in the Late Papers.

Yours sincerely



**Stacey Rawlings MRTPI**

Attached: Opinion of Rupert Warren KC, Landmark Chabers, 29 November 2023

**IN THE MATTER OF:**

**NEIGHBOURHOOD PLAN POLICIES  
SECTION 38(6) PLANNING AND COMPULSORY PURCHASE ACT 2004  
LAND BETWEEN WALDEN ROAD AND NEWMARKET ROAD,  
GREAT CHESTERFORD, ESSEX**

**OPINION**

*Introduction*

1. I am asked to advise in relation to planning decision-making which involves weighing planning benefits against conflict with a made Neighbourhood Plan. The context is an exercise of planning judgement by Uttlesford District Council ("the Council") through its planning committee, when considering an application by Catesby Promotions Limited for development proposed on land between Walden Road and Newmarket Road, Great Chesterford, Essex ("the Site").
2. The application is in outline form and has been given the reference UTT/22/2997/OP ("the application"). The application seeks permission for up to 350 residential units, a heritage park and other supporting uses and development ("the Proposed Development").

*The Officers' Report and Planning Committee*

3. I have seen the comprehensive report written by Council planning officers to inform the Council's decision on the application. The report recommends that the application be refused, in part because, it is judged, the Proposed Development would cause harm to the landscape and visual character of the area, and harm the settings of designated heritage assets. These comprise (most notably) two Scheduled Ancient Monuments ("SAMs"): the Roman Fort and Saxon Cemeteries, and the Romano-Celtic Temple, which lies adjacent to or near the settlement of Great Chesterford, on the northern edge of which the Site is found.

4. The officers' report also identifies that the Site lies in what is regarded for policy purposes as the 'countryside', thereby engaging policies at the District level, contained within the Uttlesford Local Plan (2005) ("the LP"), and in the 2023 made Great Chesterford Neighbourhood Plan ("the NP").
5. The report also identifies the following:
  - (1) That although the Council assesses that it has a 5 year supply of housing, the LP aspect of the Development Plan is out of date (paragraph 1.3).
  - (2) As a result, paragraph 11(d) of the National Planning Policy Framework ("NPPF") is engaged (sometimes referred to as the 'Presumption in Favour of Sustainable Development' or the 'tilted balance') (paragraph 1.3).
  - (3) The presence of the NP as the other component of the Development Plan engages paragraphs 12-14 of the NPPF (paragraph 14.3.2).
  - (4) The Proposed Development would bring a number of planning benefits which should be weighed in the overall planning balance (paragraphs 16.3 to 16.14).
  - (5) The Proposed Development would conflict with LP Policies S7, ENV4 and GEN6 as well as NP Policies 1, 2, 4a, 4b and 5 (summarised in paragraph 16.24).
6. Having considered the Officers' Report and debated the application, I am instructed that the Council's planning committee members deferred the application to consider further the relationship between the Proposed Development and the relevant policies of the NP.

*Approach to decision-making involving a Neighbourhood Plan*

7. In this Opinion I offer no views as to whether the judgements within the Officers' Report are correct. I start from the assumption that the Council is considering identified planning benefits against the NP policy conflicts which the officers set out. Of course, the degree of conflict, including whether there would be overall conflict with the NP is a matter of planning judgement for the Council; the members of the committee will have their own view, as, no doubt, will other participants in the process.

8. In this case, the NP was made in 2023 and is therefore part of the Development Plan (see Planning and Compulsory Purchase Act 2004 (“the 2004 Act”), section 38(2)(c)).

9. Along with the LP, the policies of the NP are the “plan”, and therefore comprise the statutory starting point for considering whether to grant or refuse the application. Section 38(6) of the 2004 Act provides:

*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

10. Section 38(6) of the 2004 Act contains the presumption that applications will be decided in accordance with the applicable policies of the plan; but it makes it clear that even where there is conflict with the plan overall, permission may still be granted if other relevant factors are considered to “indicate otherwise”. To use a common planning expression, permission may still be granted if the conflict with the development plan is ‘outweighed’ by other planning factors.

11. If the decision maker (here the Council’s planning committee) had correctly understood the meaning of the development policies and taken all relevant considerations into account, then it may grant permission despite a conflict with the plan, or indeed part of the plan (such as, in this case, the NP): see a recent re-statement of that basic principle in *R(Wyatt) v Fareham BC* [2022] EWCA Civ 983 at [78] to [81].

12. A neighbourhood plan is no different in that respect from a local plan. There may obviously be cases where certain factors are considered by the decision-maker to be of sufficient weight and importance to outweigh, in the circumstances of the particular application, conflict with the provisions of a neighbourhood plan: see, for example, the Inspector’s decision granting permission on appeal for 50 houses in the countryside outside Melksham in Wiltshire in on 30 May 2022 (Land West of Semington Road, Melksham, reference APP/Y3940/W/21/3285428). Summing up his conclusions in relation to the neighbourhood plan in that case, the Inspector said:

*I recognise the central importance of Neighbourhood Planning to both Government and the Council. Paragraph 14 of the Framework advises that for housing schemes, the adverse impact of allowing development which conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. I heard representations on behalf of the Parish Council on the importance of the JMNP to the community. However, the harm arising from the conflict*

*with policies on both the settlement boundary and landscape, are clearly outweighed in this case by the pressing need for affordable housing.*

13. The balance in that case was between neighbourhood plan policy conflicts due to effects on the settlement boundary and landscape, on the one hand, and the benefits flowing from the provision of affordable housing. The relevant degree of conflict with a neighbourhood plan, and the weight to be given to any countervailing planning benefits, will be different in every case and are for the decision-maker to judge.
  
14. I note that in the Semington Road appeal decision, the Inspector granted permission having grappled with the effect of paragraph 14 of the NPPF. As he says, that paragraph indicates that in cases where the 'tilted balance' in paragraph 11(d) of the NPPF applies, the national guidance is that the tilted balance is unlikely to show that permission should be granted if the development is in conflict with a recently-made neighbourhood plan. However, paragraph 14 of the NPPF does not say that permission cannot or should not be granted where there is such conflict – it indicates that the conflict is "likely" to mean that the tilted balance is not satisfied. The Semington Road appeal decision is a good example of a planning judgement to grant permission in such circumstances: notwithstanding the terms of paragraph 14 of the NPPF, the Inspector judged that the benefits of the scheme outweighed the conflict with the neighbourhood plan.
  
15. As long as the relevant considerations are placed into such a balance, it would be lawful for the Council to grant permission for the Proposed Development, even if it agreed with the judgement in the Officers' Report that the Proposed Development would conflict with the development plan (and the NP in particular).

**RUPERT WARREN K.C.**

**Landmark Chambers  
180 Fleet Street  
London EC4A 2HG**

**29 November 2023**

		<p><u>Planning Conditions.</u></p> <p>If members are mindful of making a resolution to approve the application, officers have provided a list of suggested conditions to be imposed on the decision notice as per below. The suggested list may be revised/amended according to members requirements.</p>
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		<p><b>1</b> Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.</p> <p>REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
		<p><b>2</b> Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.</p> <p>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.</p>
		<p><b>3</b> The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>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.</p>
		<p><b>4.</b> The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>• Location Plan ref: 05C</li> <li>• Application Framework Plan ref: A105D</li> <li>• Topography Survey ref: 42627_T</li> <li>• Proposed Site Access &amp; Highway Works (Newmarket Road and Carmen Street) ref: 22400-01-1 REV D</li> <li>• Proposed Site Access (Walden Road) ref: 22400-03 REV B</li> <li>• Proposed Footway Cycle Way Works Church Street to Station Approach 22400-07 REV A</li> <li>• Revised Transport Drawing New Walden Road Footway/Cycleway ref: 22400-08 REV A</li> </ul> <p>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.</p>

		<p>5. The development hereby approved shall be constructed in accordance with the details as set out within the 'Illustrative Material and Design Codes' contained within the Design and Access Statement (October 2022) prepared by Catesby Estates Ltd.</p> <p>REASON: To ensure a high-quality development and place making is achieved when applications for reserve matters are submitted in accordance with Policy GEN2 of the Adopted Local Plan and the NPPF.</p>
		<p>6. 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 Plan shall provide for:</p> <ul style="list-style-type: none"> <li>a) vehicle routing.</li> <li>b) the parking of vehicles of site operatives and visitors.</li> <li>c) loading and unloading of plant and materials.</li> <li>d) storage of plant and materials used in constructing the development.</li> <li>e) before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense if caused by developer.</li> <li>f) The construction programme and phasing.</li> <li>g) Hours of operation.</li> <li>h) Details of any highway works necessary to enable construction to take place.</li> <li>i) Details of hoarding.</li> <li>j) Management of traffic to reduce congestion.</li> <li>k) Control of dust and dirt on the public highway and wheel and underbody washing facilities.</li> <li>l) Details of consultation and complaint management with local businesses and neighbours.</li> <li>m) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.</li> <li>n) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.</li> </ul> <p>All works shall be carried out in accordance with the approved CEMP thereafter.</p> <p>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 and in accordance with Policy GEN1, GEN2 &amp; GEN4 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>



		<p>7. Prior to first occupation of the dwellings, payment of a financial contribution of £537,500 (indexed from the date of this recommendation) and an additional financial contribution on the first anniversary of that payment of £537,500 (indexed from the date of this recommendation) to ensure a total of £1,075,000 is secured to fund improvements to a new or enhanced bus service between the development, the village centre, Great Chesterford railway station, along London Road into Saffron Walden town centre, hospital and supermarkets.</p> <p>REASON: To improve the accessibility of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>
		<p>8. Prior to first occupation of the dwellings, provision of a through route serviceable by buses with a minimum width of 6.75m between Walden Road and Newmarket Road. The design of which to be determined as part of the reserved matters application with reference to the Essex Design Guide.</p> <p>REASON: to improve the accessibility of the development by bus and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>
		<p>9. Prior to first occupation, provision of new bus stops on the above-mentioned through-route or within the vicinity of the site to ensure that all dwellings are within 400m walking distance of a bus stop. Bus stop facilities may include, but not be limited to, raised kerbs, shelters with seating, poles, flags, real-time passenger information displays, and bus cages and provision should be made to cover the commuted maintenance sums and energy costs for a period of 15 years.</p> <p>REASON: to improve the accessibility of the development by bus and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>

		<p><b>10.</b> The design and quantum of car and cycle parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013, details to be submitted and approved as part of the reserved matters application.</p> <p>Reason: To ensure that appropriate parking is provided in the interests of highway safety and efficiency and to promote sustainable development and transport in accordance with policies DM8 and DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN8 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>
		<p><b>11.</b> Prior to occupation of the first dwelling, the access roundabout, as shown on DTA drawing no. 22400-03 Rev B, shall be constructed, and retained, at all times, thereafter, including carriageway width of 6.75m and a footway minimum width 2m.</p> <p>REASON: To ensure that vehicles, pedestrians, and cyclists can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>
		<p><b>12.</b> Prior to occupation of the first dwelling, the following highway works will be provided entirely at the developer's expense:</p> <ul style="list-style-type: none"> <li>a) provision of a 2m wide footway or 3m wide shared footway/cycleway (subject to land availability, road safety audit and detailed design) from the new Walden Road access roundabout south to the junction with Jacksons Lane to tie into existing provision, as shown indicatively on DTA drawing no. 22400-08a Rev A.</li> <li>b) provision of 2m wide footways and dropped kerb pedestrian crossing points (across Walden Road) at the junction of Walden Road/High Street/Cow Lane, as shown indicatively on DTA drawing no. 22400-04 Rev A.</li> <li>c) provision of a 2m wide footway at the new Walden Road access roundabout to provide for pedestrians travelling to Park Road, as shown indicatively on DTA drawing no. 22400-03 Rev C.</li> <li>d) provision of a minimum 3m wide shared footway/cycleway from the new Newmarket Road access south to the junction with Carmen Street, as shown indicatively on DTA drawing no. 22400-01-1 Rev D.</li> </ul>

		<p>e) provision of a minimum 2m wide footway along Carmen Street for a distance of approximately 150m to tie-in to existing provision, as shown indicatively on DTA drawing no. 22400-01-1 Rev D.</p> <p>f) provision of a 3m wide shared footway/cycleway along Newmarket Road south of Church Street to tie into committed works to the south, as shown indicatively on DTA drawing no. 22400-07 Rev A.</p> <p>g) conduct a review of the speed limit along Newmarket Road (B1383) as part of the detailed design process for the highway works package, and if required, undertake the work/cover all costs incurred in developing and implementing the relocation of the 30mph speed limit from its current location to a position north of the new Newmarket Road access, including, but not limited to, provision of new village gateway features and signage and removal of redundant signage as required.</p> <p>REASON: To improve the accessibility of the development and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>	
	13.	<p>Prior to occupation of the first dwelling, the site access shown on DTA drawing no. 22400-01-1 Rev D shall be constructed and retained at all times thereafter. The access road shall have a carriageway of minimum width 6.75m, one footway (to the north) of minimum 2m width, one shared cycleway/footway (to the south) of minimum 3m width, dropped kerb pedestrian crossing facility and clear-to-ground visibility splays, with dimensions of 2.4m by 163m to the north and 2.4m by 153m to the south, as measured from and along the nearside edge of the carriageway shall be provided and retained free of any obstruction at all times thereafter.</p> <p>REASON: To ensure that vehicles, pedestrians and cyclists can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p>	
	14.	<p>The public's rights and ease of passage over public footpath 12 (Great Chesterford 17) shall be maintained free and unobstructed at all times.</p> <p>REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005</p>	

		<p>(as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p> <p>15. Prior to first occupation of the dwellings, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,690 (indexed from the date of this recommendation).</p> <p>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 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p> <p>16. Prior to first occupation of the dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council (to include one months' free bus pass for residents).</p> <p>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 and in accordance with Policy GEN1 of the Uttlesford District Local Plan 2005 (as Adopted), Policy GLCNP/3 of the Great and Little Chesterford Neighbourhood Plan, and the National Planning Policy Framework.</p> <p>17. 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:</p> <ul style="list-style-type: none"> <li>a) Limiting discharge rates to 3.46l/s for all storm events up to and including the 1 in <u>100 year</u> rate plus 40% allowance for climate change subject to agreement with 2 the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.</li> <li>b) Provide sufficient storage to ensure no <u>off site</u> flooding as a result of the</li> <li>c) development during all storm events up to and including the 1 in <u>100 year plus 40% climate change event</u></li> </ul>
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		<table border="1"> <tr> <td data-bbox="672 215 772 837"></td> <td data-bbox="772 215 1411 837"> <p>d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.</p> <p>e) Final modelling and calculations for all areas of the drainage system.</p> <p>f) 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.</p> <p>g) Detailed engineering drawings of each component of the drainage scheme.</p> <p>h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.</p> <p>i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.</p> <p>j) Utilisation of infiltration where feasible.</p> <p>The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environment harm which may be caused to the local water environment in accordance with Policy GEN3 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Framework.</p> </td> </tr> <tr> <td data-bbox="672 837 772 1236">18.</td> <td data-bbox="772 837 1411 1236"> <p>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.</p> <p>REASON: 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 2005 (as Adopted) and the National Planning Policy Framework.</p> </td> </tr> <tr> <td data-bbox="672 1236 772 1348">19.</td> <td data-bbox="772 1236 1411 1348"> <p>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</p> </td> </tr> </table>		<p>d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.</p> <p>e) Final modelling and calculations for all areas of the drainage system.</p> <p>f) 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.</p> <p>g) Detailed engineering drawings of each component of the drainage scheme.</p> <p>h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.</p> <p>i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.</p> <p>j) Utilisation of infiltration where feasible.</p> <p>The scheme shall subsequently be implemented prior to occupation. 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19.	<p>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</p>							

		<p>the Local Planning Authority. Should any part be maintainable by a maintenance company, details of <u>long term</u> funding arrangements should be provided.</p> <p>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 2005 (as Adopted) and the National Planning Policy Framework.</p> <p><b>20.</b> 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.</p> <p>REASON: To ensure the <del>SuDS</del> are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.</p> <p><b>21.</b> All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Ramm Sanderson, October 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>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 &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats &amp; species) and in accordance with Policy GEN7 of the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework.</p> <p><b>22.</b> If the application hereby approved does not commence within 18 months from the date of the Ecological Impact Assessment (Ramm Sanderson, October 2022), the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:</p> <ul style="list-style-type: none"> <li>a) establish if there have been any changes in the presence and/or abundance of protected and Priority species and habitats and</li> <li>b) identify any likely new ecological impacts that might arise from any changes.</li> </ul> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority</p>
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		<p>prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats &amp; species) and in accordance with Policy GEN7 of the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework.</p>
		<p><b>23.</b> Prior to the commencement of works, a Farmland Bird Mitigation Strategy shall be submitted to and approved in writing by the local planning Authority.</p> <p>The Farmland Bird Mitigation Strategy shall include the following:</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed measures.</li> <li>b) Detailed Methodology for measures to be delivered.</li> <li>c) Location of the proposed measures by appropriate maps and/or plans.</li> <li>d) Mechanism for implementation &amp; Monitoring of delivery.</li> </ul> <p>The Farmland Bird Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for a minimum period of 10 years.</p> <p>REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats &amp; species) and in accordance with Policy GEN7 of the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework.</p>
		<p><b>24.</b> Prior to the construction of the development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.</p> <p>The CEMP (Biodiversity) shall include the following.</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities.</li> <li>b) Identification of "biodiversity protection zones.</li> <li>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>f) Responsible persons and lines of communication.</li> </ul>

		<p>g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>i) All construction operatives are to be made aware of the location of the special verge and LoWS.</p> <p>j) The special verge / LoWS is not to be used for storage of construction materials.</p> <p>k) Construction traffic should be routed away from special verge / LoWS.</p> <p>l) Construction vehicles should not drive onto the special verge / LoWS or park on it.</p> <p>m) If it is not possible to comply with points 2 and 3 barrier or a membrane are to be used to protect the special verge / LoWS. Access must be provided to Essex Highways so the grassland can be mown twice a year.</p> <p>n) Pollution control and dust suppression measures are to be used.</p> <p>o) No topsoil or other material is to be added to the special verge / LoWS.</p> <p>p) No mowing of the special verge / LoWS is to be carried out by operatives.</p> <p>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.</p> <p>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 &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats &amp; species) and in accordance with Policy GEN7 of the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework.</p> <p>25. Prior to the construction of the development, a Biodiversity Net Gain Design Stage Report shall be submitted to and approved in writing by the local planning authority, which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric. The content of the Biodiversity Net Gain report should include the following:</p> <p>a) Baseline data collection and assessment of current conditions on site.</p> <p>b) A commitment to measures in line with the mitigation hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.</p> <p>c) Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality.</p> <p>d) Details of the implementation measures and management of proposals.</p>
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The content of the Biodiversity Enhancement Strategy shall include the following:</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed enhancement measures.</li> <li>b) detailed designs or product descriptions to achieve stated objectives.</li> <li>c) locations, <u>orientations</u> and heights of proposed enhancement measures by appropriate maps and plans (where relevant).</li> <li>d) persons responsible for implementing the enhancement measures; and,</li> <li>e) details of initial aftercare and long-term maintenance (where relevant).</li> </ul> <p>The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.</p> <p>Reason: To enhance protected and Priority species &amp; habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats &amp; species) and in accordance with Policy GEN7 of the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework.</p> </td> </tr> <tr> <td data-bbox="674 1145 768 1345"> <p>27.</p> </td> <td data-bbox="768 1145 1413 1345"> <p>Prior to occupation of the dwellings, a "lighting design strategy for biodiversity" based on GN:08/23 shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</li> </ul> </td> </tr> </table>		<p>e) Details of any off-site provision to be secured by a planning obligation.</p> <p>f) Details of the monitoring and auditing measures.</p> <p>The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>REASON: <u>In order to</u> demonstrate measurable biodiversity net gains and allow the LPA to discharge its duties under the NPPF (2023) and in accordance with Policy GEN7 of the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework.</p>	<p>26.</p>	<p>Prior to the commencement of any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment (Ramm Sanderson, October 2022), and shall be submitted to and approved in writing by the local planning authority. 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		<p>b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>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.</p> <p>Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats &amp; species) and in accordance with Policy GEN7 of the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework.</p>
	28.	<p>No development or preliminary groundworks can commence until a mitigation strategy detailing the archaeological excavation / preservation strategy shall be submitted and approved to the local planning authority.</p> <p>REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
	29.	<p>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 submitted and approved in writing by the local planning authority.</p> <p>REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
	30.	<p>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.</p> <p>REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
	31.	<p>The applicant will submit to the local planning authority a Conservation Management Plan to include the long-term preservation and promotion of the Scheduled Monument, a series of display boards within the heritage</p>

		<p>park and potential display case provision within Great Chesterford.</p> <p>REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
		<p>32. Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, <del>whether or not</del> it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:</p> <ul style="list-style-type: none"> <li>a) a survey of extent, scale, and nature of contamination.</li> <li>b) an assessment of the potential risks to: <ul style="list-style-type: none"> <li>• Human health,</li> <li>• Properly (existing or proposed) including buildings, crops, livestock,</li> <li>• pets, woodland and service lines and pipes,</li> <li>• Adjoining land,</li> <li>• Groundwaters and surface waters,</li> <li>• Ecological systems</li> <li>• Archaeological sites and ancient monuments.</li> </ul> </li> <li>c) an appraisal of remedial options, and proposal of the preferred option(s).</li> </ul> <p>REASON: to ensure the health of future occupiers in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
		<p>33. The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>REASON: to ensure the health of future occupiers in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>

		<p>34. The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be <u>produced</u>, and is subject to the approval in writing of the Local Planning Authority.</p> <p>REASON: to ensure the health of future occupiers in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
		<p>35. If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.</p> <p>REASON: to ensure the health of future occupiers in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
		<p>36. The approved works shall be constructed in accordance with the 'Site Waste Management Plan' and the 'Waste Infrastructure Assessment' prepared by Tetra Trek January 2023.</p> <p>REASON: To ensure that all wastes generated by the construction and operation of the proposed development is satisfactory managed in accordance with the Environmental Protection Act 1990, Environment Act 1995, The Controlled Waste (England and Wales) Regulations 2012 (as amended), Revised Waste Framework Directive 2008/98/EC, The Waste (England and Wales) Regulations 2011, the Waste (England and Wales) (Amendment) Regulations 2012, Control of Pollution (Amendment) Act 1989 and The Hazardous Waste (England and Wales) Regulations 2005 (as amended).</p>
		<p>37. The proposed glazing, ventilation and any other mitigation specified for the dwellings hereby approved shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application [RSK Acoustics, 20th October 2022, Reference: 2060297-RSK-RP-001(01)].</p>

		<table border="1"> <tr> <td data-bbox="683 215 772 311"></td> <td data-bbox="772 215 1422 311"> <p>REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p> </td> </tr> <tr> <td data-bbox="683 311 772 901">38.</td> <td data-bbox="772 311 1422 901"> <p>Prior to the commencement of the works details of any plant and equipment to be used in association with the proposed community building shall be submitted and approved by the Local Planning Authority.</p> <p>Noise from plant and equipment including extract ventilation and refrigeration shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90, 15 minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc.</p> <p>Background noise levels shall be established for the following periods:</p> <ul style="list-style-type: none"> <li>• Daytime 0700 to 1900</li> <li>• Evening 1900 to 2300</li> <li>• Night 2300 to 0700</li> </ul> <p>In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties.</p> <p>REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policies GEN2 and ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p> </td> </tr> <tr> <td data-bbox="683 901 772 1189">39.</td> <td data-bbox="772 901 1422 1189"> <p>The air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014</p> <p>REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p> </td> </tr> <tr> <td data-bbox="683 1189 772 1332">40.</td> <td data-bbox="772 1189 1422 1332"> <p>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.</p> </td> </tr> </table>		<p>REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>	38.	<p>Prior to the commencement of the works details of any plant and equipment to be used in association with the proposed community building shall be submitted and approved by the Local Planning Authority.</p> <p>Noise from plant and equipment including extract ventilation and refrigeration shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90, 15 minutes from the boundary of the nearest residential property. 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		<p>REASON: To protect the amenities of the occupiers of adjoining properties in accordance with Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p> <p><b>41.</b> The community building hereby approved shall be used only for the purposes of Class E(a), E(b) or Class F2(a) and F2(b) of the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and for no other purpose.</p> <p>Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location for the reasons of local character and the protection of neighbouring amenities in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p> <p><b>42.</b> No loading or unloading operations shall take place in respect to the community building and no deliveries shall be received or dispatched at the premises except between 0700 hours and 2000 hours Monday – Friday, 0800 hours, and 1800 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays.</p> <p>REASON: In the interests of protecting the amenities of future occupiers in accordance with policy GEN2 of the Uttlesford District Local Plan (as Adopted 2005) and the National Planning Policy Framework.</p> <p><b>43.</b> Prior to the commencement of the works details of any plant and equipment to be used in association with the proposed community building shall be submitted for prior approval.</p> <p>Noise from plant and equipment including extract ventilation and refrigeration shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90, 15minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc.</p> <p>Background noise levels shall be established for the following periods:</p> <ul style="list-style-type: none"> <li>• Daytime 0700 to 1900</li> <li>• Evening 1900 to 2300</li> <li>• Night 2300 to 0700</li> </ul> <p><u>In order to</u> establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.</p>
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	44.	<p>The use of the community building shall not be carried out outside the hours of 07:00 to 20:00 Monday to Saturday and not on Sundays or Bank Holidays.</p> <p>REASON: In the interest of protecting Neighbouring Amenity in accordance with Policies ENV11, GEN2 and GEN4 of the Uttlesford District Local Plan (as Adopted 2005) and the National Planning Policy Framework.</p>
	45.	<p>Prior to the commencement of works, details are to be submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met in accordance with Sports England's Active Design' (October 2015) Guide.</p> <p>REASON: To promote healthy lifestyles through physical activity in accordance with Policies GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>
	46.	<p>The proposed development hereby approved shall be carried out in accordance with the renewable energy/climate control and water efficiency measures as identified within the 'Sustainability Statement' prepared by <del>Turely</del> Sustainability (November 2023).</p> <p>REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV13 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.</p>
	47.	<p>Concurrent with the Reserved Matters planning application, all 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 including 2016 amendments (March 2016).</p> <p>REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford District Local Plan (as Adopted 2005) and the subsequent SPD on Accessible Homes and <del>Playspace</del> <del>Classroom</del>, and the National Planning Policy Framework.</p>

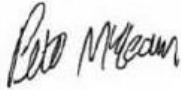
7	<b>UTT/23/1439/FUL</b>  Land East Of The Stag Inn Duck Street Little Easton	<b><u>Officer Comments:</u></b>
	7.1	Additional point to be added to Committee Report paragraph 4.7: <ul style="list-style-type: none"> <li>• The drainage arrangements to the site have been improved, increasing the size of the proposed basin to allow for a 45% climate change allowance instead of the 40% allowance as previously proposed. The basin is 27% larger than the consented scheme. The revised drainage is acceptable to the LLFA.</li> </ul>
	7.2	Committee Report paragraph 7.1 should include the following points: <ul style="list-style-type: none"> <li>• Pre-app advice was requested by the applicant; however, due to delays in the application being acknowledged, the applicants decided it would be more efficient to submit the S73.</li> <li>• Pre-app engagement with the Housing Officer led to the provision of a second Wheelchair Accessible affordable dwelling with both of these dwellings designed to meet the specific mobility needs of identified local occupiers.</li> <li>• The applicants met with the Parish Council and presented the revised plans to them in April 2023. The response was favourable, with the more traditional design approach being preferred by the Parish Council and local residents. Following that meeting, the applicants engaged with a number of properties on Duck Street who back onto the site, tweaking the designs to address their concerns.</li> <li>• Additionally, further discussions have been held with the Parish w/c 1st January 2024.</li> <li>• A detailed letter was provided to Members by the Agent in November – see 7.6.</li> </ul>
	7.3	Committee Report paragraph 10.4.1 should read:



		<ul style="list-style-type: none"> <li>• This response was received on 7 November 2023. Conditions 18-20 of the original permission relate to ecology and have been copied to this application.</li> <li>• It should also be noted there was some confusion in that the tree that was greyed out on the plan is <u>not</u> proposed to be removed. This tree is outside of the application site and is adjacent to an area of woodland which is to be retained and protected away from the housing. Plan 002 shows this tree greyed out but is an error in the way the drawing is rendered.</li> </ul>
	7.4	<p>Clarification on Committee Report section 17:</p> <ul style="list-style-type: none"> <li>• This details the previous S106 heads of terms. The application is a S73 and there is a clause within the original S106 Agreement stating that legal agreement would still apply to any future S73 applications. See excerpt below:   <p style="text-align: center;"><i>Clause 10.5: "In the event that a new planning permission is granted by UDC pursuant to Section 73 of the 1990 Act in respect of the Permission the obligations in this Agreement shall relate to and continue to bind the Development carried out pursuant to any such subsequent planning permission and the definitions of Planning Application, Permission and Development shall be construed as including reference to the application for and the grant of any such planning permission and development without the need to enter into a further deed of variation or new agreement".</i></p> </li> <li>• Point 17.1 i) should have no reference to Habinteg. The applicant is yet to conclude its agreement with the affordable housing provider. This will be concluded under the terms of the current Section 106 Planning Obligation of 13 January 2023.</li> </ul>
	7.5	<p>Amendment to Committee Report paragraph 17.2:</p> <ul style="list-style-type: none"> <li>• Condition 1 should be amended to ensure that the time limit for commencement remains unchanged. The development to commence by 16 January 2026, being 3 years following the grant of planning permission UTT/21/1495/FUL.</li> </ul>

	7.6	<p>27 November 2023</p> <p>Dear Councillor</p> <p><b>PLANNING APPLICATION UTT/23/1439/FUL LAND EAST OF THE STAG INN, DUCK STREET, LITTLE EASTON</b></p> <p>I refer to the above application that was deferred by the Planning Committee last week.</p> <p>As explained by the Committee Manager, although properly registered to speak at the Committee, the applicant was denied the right to address Members in support of the application simply because no one had registered to speak against the application. This circumstance has proved to be unhelpful to the Committee as the questions raised by Members would have been addressed within our presentation. The process was not helped by the fact that the Planning Officer who prepared the report had left the Council in the days prior to the meeting, leaving Nigel Brown having to address points which would have been provided in the Applicant's speech.</p> <p>It is important to note that the application has been submitted as a S73 application, it is not a new planning application as the detailed permission remains in place. Denbury Homes have only recently purchased the site, they did not obtain the original planning permission on the site. The purpose of the S73 application is to amend the design of the scheme to meet their specific design requirements following their assessment of the site, community feedback and the approved plans. The original permission was for a modern and contemporary development, something which we do not think is appropriate or reflective of development found locally within Little Easton. Indeed, at the original Planning Committee, Members expressed doubts about the original scheme design which was the subject of design related objections from the Parish Council, local residents and the Heritage Officer.</p> <p>Denbury's design approach has been discussed with the Parish Council and local residents prior to submission. The development team attended and presented to the Parish Council at their meeting on the 19<sup>th</sup> April 2023. A contextual analysis was presented at the meeting as well as information on other schemes that Denbury Homes have been involved with locally. This was a well attended meeting and consolidated the view that the approved modern design was not favoured locally.</p> <p>Denbury Homes want to leave a legacy within the Village and deliver a completed scheme that has the support of residents. There has been significant engagement locally and the applicants have also met separately with some immediate neighbours. These discussions were positive and resulted in changes being made to the draft proposals to deliver a more neighbourly development. Furthermore, we are working in collaboration with the Stag Inn, to ensure continued access to the pub and unbroken access during construction. We are delivering the spine road and their car park first to help with their business needs.</p>
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		<p>It is also relevant to note that the revised proposals for the site are supported by your Heritage Officer, this was not the case with the original application. The Heritage Officer has specifically commented on the design approach:</p> <p><i>I note that the design of the dwellings has been amended to 'a more traditional vernacular' from the more contemporary design of the approved scheme. In principle, this is more likely to meet the requirements of Paragraph 130 c) of the NPPF that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and thus I would support this change.</i></p> <p>The proposed development has been designed to meet the requirements of Policy GEN2 of the Local Plan including (inter alia) being compatible with the scale, form, layout, appearance and materials of surrounding buildings; safeguarding important environmental features; providing an environment that will meet the reasonable uses of all potential end users; and minimising the environmental and amenity impacts on neighbouring properties. Denbury was concerned that the previous scheme was to be constructed from a palette of just 3 materials with no reference to the character of the village.</p> <p>We have made a number of other changes to the scheme, all of which we feel will result in the delivery of an enhanced development on the site. The key changes which have been made can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• The three low-cost commercial units are now located together to the north of the site, adjacent to The Stag Inn. This ensures that a more coordinated development will be delivered. We are already working with a local business who wants to occupy the first of these units.</li> <li>• The self-build plots are now located within the site and not at the entrance. This will mean that the entrance approach to the site can be delivered early in the project.</li> <li>• The drainage arrangements are improved with the drainage basin now designed for a 1 in 100-year storm capacity plus 45% climate change allowance.</li> <li>• The main access road within the site will be formally adopted by ECC.</li> <li>• The affordable accommodation will meet the requirements of local needs. In liaison with your Housing Officer, Denbury Homes are delivering two M4(3) Wheel Chair Accessible bungalows modified to meet the specific requirements of two local households on the Council's Housing Register. The layouts specifically meet the requirements of these residents and comply with the report of an Occupational Therapist.</li> </ul>
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		<p>In summary, we strongly feel that an enhanced development will be delivered on site. The proposed changes can be dealt with under a S73 application and Denbury Homes are very keen to commence the development. The Section 73 process allows the Council to be completely confident that the benefits of the development set out in the Section 106 Planning Obligation remain in place. We trust that Members can be confident that the traditional design vernacular represents the most appropriate design approach for the site and one that is reflective of context and supported locally.</p> <p>We look forward to discussing the proposals further with you at the re-convened Committee meeting on 13<sup>th</sup> December. However, should you have any queries regarding the proposals, please do not hesitate to contact me.</p> <p>Yours sincerely</p> 
8	<p><b>UTT/23/1853/FUL</b></p> <p>Former Friends School Mount Pleasant Road Saffron Walden</p>	<p>ECC Place Services (Ecology)</p> <p>No objection has been raised by the ecologist subject to the imposition of conditions if the Council are mindful of granting permission. These conditions relate to securing All mitigation and enhancement measures as proposed in supporting documentation provided by the Appellant.</p> <p>Conditions:</p> <p>The rewording of condition 2 within the committee report (which refers to approved drawings) is proposed to be amended to that of below to allow for a more precise worded condition.</p>

		<p>2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21 0037-200L; 201F; 202; 203A; 204; 205A; 206; 207; 208; 209; 210; 211; 216; 230; 231; 240C; 241C; 242C; 243C; 244; 250; 251; 252; 253; 254; 260A; 270D; 271A; 272; 273; 278D; 279D; 280B; 290D; 291B; 292; 300A; 301; 302A; 303; 304; 305; 306; 307; 308B; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 319; 320; 321; 322; 323; 324; 325; 326; 327; 328; 329; 330; 331; 329; 350; 351; 352; 353; 354; 355; 400; 410; 411; 412; 413; 414; 415; 416; 22 0037 203A; 23 0037 204; 24 0037 205A; 25 0037 206; 26 0037 207; 27 0037 208; 28 0037 209; 29 0037 210; 30 0037 211; 31 0037 216; 32 0037 230; 33 0037 231; B21049101E ; 20 0037 224 ; 20 0066 2101 ; 2100 ; 23 0066 2102 F ; 2103 E ; 10 B ; 11 B.</p> <p>Reason: To provide certainty.</p> <p>It is also advised that with all other remaining conditions, it is the intention to add 'unless otherwise agreed in writing by the Local Planning Authority' in case any further revisions or amendments are deemed necessary in the future.</p>
9	<p><b>UTT/23/1046/FUL</b></p> <p>Land South Of Radwinter Road Radwinter Road Saffron Walden</p>	TBC
10	<p><b>UTT/23/2575/FUL</b></p> <p>Cricket Willow Field Sparrows End London Road Newport</p>	<p>The refusal reason for Heritage does not appear within the published report.</p> <p>The reason for refusal at paragraph 17.5 should read as follows:</p> <p>Insufficient information has been submitted to demonstrate that the proposal would not harm the adjacent heritage assets. Based on the information supplied, the LPA's Heritage Advisors have concluded that it is not possible to fully assess the proposals as insufficient information has been provided, and it is recommended that a heritage statement be submitted.</p> <p>Therefore, the proposed development would be contrary to Policy ENV2 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).</p>

11	<b>UTT/22/1203/FUL</b>  Land Off Pelham Road Berden	
12	<b>UTT/23/0707/FUL</b>  South Of Deynes Road Debden	<p>The applicant has requested that an Addendum is added to the committee report with the addition of the following information:</p> <ul style="list-style-type: none"> <li>- The applicant has requested that an Addendum outlines the tilted balance status with regards to the housing delivery test, in accordance with the new NPPF updates (December, 2023)</li> <li>- The applicant has requested that the Council's need for bungalows in the area is highlighted in the Addendum as this has not been mentioned in the officer's report. The Council's report here - <a href="https://www.uttlesford.gov.uk/media/1454/Housing-Strategy-2021-2026/pdf/Housing_Strategy_2021-2026A.pdf?m=637743891541030000">https://www.uttlesford.gov.uk/media/1454/Housing-Strategy-2021-2026/pdf/Housing_Strategy_2021-2026A.pdf?m=637743891541030000</a> states that there is a shortage of bungalows within the district for both market purchase and affordable rent.</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.