



Public Document Pack

Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 7th February, 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. Please see the section headed "Meetings and the Public" overleaf for further details.

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

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

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

**AGENDA
PART 1**

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 6 - 16

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

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

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

To note the S62A Applications Report.
- 6 UTT/23/3112/PINS - Land North of Knight Park, Thaxted Road, SAFFRON WALDEN** 25 - 41

To consider making observations to the Planning Inspectorate in respect of UTT/23/3112/PINS.
- 7 UTT/23/3113/PINS - Land West of The Cricketers, Clatterbury Lane, CLAVERING** 42 - 61

To consider making observations to the Planning Inspectorate in respect of UTT/23/3113/PINS.
- 8 UTT/22/3126/FUL - Land at Warish Hall Farm, North of Jacks Lane, Smiths Green Lane, TAKELEY** 62 - 102

To consider application UTT/22/3126/FUL.
- 9 UTT/23/1470/OP - Stansted Distribution Centre, Start Hill, GREAT HALLINGBURY** 103 - 173

To consider application UTT/23/1470/OP.

- 10 UTT/23/0707/FUL - Land South of Deynes Road, DEBDEN 174 - 197**

To consider application UTT/23/0707/FUL.

PLEASE NOTE THAT ITEM 11 WILL NOT BE TAKEN BEFORE 2.00pm

- 11 UTT/23/2494/FUL - Car Park, Recreation Ground, The Causeway, GREAT DUNMOW 198 - 217**

To consider application UTT/23/2494/FUL.

- 12 UTT/23/2538/FUL - Land to the West of Stortford Road, CLAVERING 218 - 237**

To consider application UTT/23/2538/FUL.

- 13 UTT/23/1950/FUL - Old Cottage, Start Hill, Stane Street, GREAT HALLINGBURY 238 - 264**

To consider application UTT/23/1950/FUL.

- 14 Addendum List 265 - 283**

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 Addendum List is circulated on the Monday prior to Planning Committee. This is a public document, and it is published with the agenda papers on the UDC website.

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

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

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

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 10
JANUARY 2024 at 10.00 am**

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

Officers in attendance: R Beale (Senior Planning Officer), N Brown (Head of
Development Management and Enforcement), J Lyall (Planning
Lawyer), J Pavey-Smith (Senior Planning Officer), M Sawyers
(Senior Planning Officer), C Shanley-Grozavu (Democratic
Services Officer), L Trevillian (District Wide Team Leader) and
C Tyler (Senior Planning Officer)

Public Speakers: J Francis, Cllr N Gregory, D Hall, J Halstead, R Kelsey, Cllr J
Moran, D Morris, Cllr T Newcombe, S Rawlings, Cllr J Redfern,
J van Riemsdijk and H Rolfe

PC117 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

The Chair announced that Agenda Item 14 (South of Deynes Road, Debden) had been withdrawn from the agenda.

Apologies for absence were received by Councillors Lemon and Sutton.

Councillor Haynes declared that he was recusing himself from Agenda Item 8 (Land Between Walden Road & Newmarket Road, Great Chesterford), at the request of the Monitoring Officer.

Councillor Emanuel declared a non-pecuniary interest in Agenda Item 12 (Cricket Willow Field, Sparrows End, London Road, Newport) as she had written the response on behalf of Newport Parish Council. She confirmed that she would recuse herself from the meeting.

Councillor Loughlin declared, for transparency, that she was the Ward Member for Berden (Agenda Item 13).

PC118 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved as a correct record.

PC119 **SPEED AND QUALITY REPORT**

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

The report was noted.

PC120 **QUALITY OF MAJOR APPLICATIONS REPORT**

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

He provided an update on the current status of the Council's 5-Year Housing Land Supply following the release of the latest versions of the National Planning Policy Framework (NPPF) and Housing Delivery Test (HDT) by government in December 2023.

Following questions, the Development Manager agreed to provide further information to members after the meeting.

The report was noted.

PC121 **S62A APPLICATIONS REPORT**

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

He confirmed that the final two applications within the report would be considered at the meeting.

The report was noted.

PC122 **UTT/23/2622/PINS - LAND SOUTH OF (WEST OF ROBIN HOOD ROAD) RUSH LANE, ELSENHAM**

The Senior Planning Officer presented a S62a outline application for the erection of up to 40 dwellings with all matters reserved except for access.

She invited Members to comment on the proposals.

In response to questions, officers clarified that they had not been provided with a reason as to why there was a proposed change of access.

Members discussed:

- Whilst the application had provided an indicative plan, it was emphasised the importance for the Planning Inspector to not give weight to it in order for all matters to be fully considered at a later stage.
- There were safety concerns regarding the location of the proposed children's playground which was adjacent to the railway line and an open pedestrian level crossing.
- There was a need to provide noise mitigation in order to protect residents from impacts of noise from the adjacent railway line.
- Particular attention should be paid to the protection of nearby heritage assets.
- The existing mature trees on the site should be retained.

- Officers confirmed a S106 would be drafted as part of the S62a application. This would be expected to include a financial contribution to Elsenham's community facilities, as other local developments had done previously.

Members proposed the following comments be submitted:

- Little weight be given to the submitted indicative layout.
- Should permission to be granted, the Council would not support the layout as shown, primarily due to the positioning of the proposed play area and its proximity to the open pedestrian railway crossing.
- Members emphasised the importance of protecting the nearby heritage assets.
- Mitigation measures should be required in order to protect neighbouring residents from impacts of noise from the adjacent railway line.
- The existing mature trees on the site be retained.
- The S106, taken from the previously allowed outline application, should be imposed. This included a financial contribution to Elsenham Community Hall.

PC123 UTT/23/2810/PINS - LAND TO WEST OF CHELMSFORD ROAD, HARTFORD END, FELSTED

The Senior Planning Officer presented a S62a outline application for the construction of up to 50 dwellings (Use Class C3) and associated access and bus stops, with all matters reserved apart from access.

He invited members to make comment on the proposals.

In response to questions, officers clarified the following:

- The application did not provide sufficient information to demonstrate that the proposals would not have a harmful impact to the setting of the nearby Listed building of Mill House, as well as the non-designated heritage asset of the brewery building.
- The proposal was contrary to a number of policies contained within the Felsted Neighbourhood Plan, of which full weight was applied following recent changes to the NPPF. These policies included FEL/CW1 (Landscape and Countryside Character), FEL/CH4 (Avoiding Coalescence) and FEL/HN5 (Residential Development outside Development Limits).

Members discussed:

- The proposed development was outside of development limits, resulting in harm to the countryside and the coalescence of two areas within the Neighbourhood Area.
- The proposal was not proportionate or aligned with the pattern of existing development.
- The application site was not easily accessible by means of walking or public transport.
- The impact on the setting of heritage assets had not been considered within the application.

- There would be a loss of Best and Most Versatile (BMV) agricultural land.

Councillor Church proposed that the Council raise an objection on the following grounds:

- The application did not demonstrate that the proposals would not have a harmful impact to the setting of the listed building, contrary to Policy ENV2.
- The proposed development would amount to the loss of BMV agricultural land, contrary to Policy ENV5.
- The location of the application site would not encourage the use of movement by means other than driving of a car, considered contrary to Policy GEN 1(e).
- The proposal was within an area of open countryside which would therefore be harmful to the rural character of the immediate and surrounding area, contrary to Local Plan Policies S7 and GEN2, as well as Neighbourhood plan policies FEL/CW1, FEL/HN5 and FEL/CH4.

This was seconded by Councillor Emanuel.

RESOLVED: that the Strategic Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council object to the application, for the reasons as stated above.

Councillor Haynes recused himself from the meeting at 10:44

PC124 **UTT/22/2997/OP - LAND BETWEEN WALDEN ROAD & NEWMARKET ROAD, GREAT CHESTERFORD**

The District Wide Team Leader presented an outline planning application (with all matters reserved except for means of access from Walden Road and Newmarket Road) for residential development of up to 350 dwellings, including a Heritage Park, up to 50sqm of shop and café floorspace (Use Class E/F), sustainable urban drainage system and associated infrastructure.

The application had been deferred from November's Planning Committee meeting, to allow for additional time for members to review the Great and Little Chesterford Neighbourhood Plan. It was confirmed that there were no material changes to the application since the previous meeting, however the implications of the recent changes to the NPPF had been outlined in the Late List.

The application was recommended for refusal for the reasons set out in section 17 of the officer's report.

The meeting was adjourned between 11:28 to 11:36

Following the end of the Public Speaking session, the Principal Inspector for Historic England was introduced, and members were invited to ask questions.

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

- The negative environmental effect of the development would be limited to the local environment of the site and surrounding area and would be unlikely to result in significant effects on the wider environment.
- The development would have a negative impact to the short-term views of the local landscape, rather than the longer views of the countryside.
- Due to recent changes in the NPPF, full weight was given to the Great and Little Chesterford Neighbourhood Plan when considering the proposed development. However, the Neighbourhood Plan was part of the larger suite of documents which made up the development framework, in which a Local Plan held greater authority.
- The Planning and Compulsory Purchase Act 2004 outlined that where there was conflict between policies within the documentation of the development framework, the newer document would take precedent. In this case, this would be the Neighbourhood Plan, rather than the adopted Local Plan.
- The Great and Little Chesterford Neighbourhood Plan had allocated three sites for housing, but there were no allocations in the emerging Local Plan due to their unsuitability or withdrawal from the Land Owner.
- A recent Secretary of State's decision at Cholsey in Oxfordshire found that there would be an adverse impact of allowing development that conflicted with a neighbourhood plan and this would be likely to significantly outweigh the benefits. It was noted that members should base their decision on the information before them; however the appeal was of relevance.
- The Environment Agency had raised no objection to the proposed development.
- Historically, the site was located in a very open, agricultural landscape. It was a strategic point for settlement due to the valley location, crossing points with both the River Cam and ancient Icknield Way and situated at the gateway to the Fens.
- Both scheduled monuments were of national importance and afforded the highest level of protection due to the rarity of their proximity to each other and the close relationship in which they share in the same historic landscape.
- There was evidence of a pre-Roman temple and Anglo-Saxon burials near the site, which indicated earlier settlements in the vicinity.
- Part of the application site was under consideration for a scheduling extension, based on the results of previous archaeological evaluation.
- Should the application be approved, there would be a condition for archaeological investigation.
- When considering paragraph 11(d) of the NPPF, officers were of the view that the development would cause severe harm to adjoining designated heritage assets but this was not seen as significant enough in itself for refusal and the tilted balance was still engaged.

Members discussed:

- The development would cause significant harm to the setting and experience of the two nationally important scheduled monuments.
- The proposal would create a separate block of development which was not cohesive with the existing spatial strategy of the area and did not coalesce with Great Chesterford.

- The development would create up to 140 affordable homes to contribute towards the identified local housing needs. This would be determined at the reserve matter stage if outline consent was granted.
- Recent changes to the NPPF meant that the Great and Little Chesterford Neighbourhood Plan held full weight for up to 5 years.
- There were a number of concerns around sewage including the sewage treatment plant being at capacity, the impact of untreated phosphorus in the waterways and the lack of response from Cambridgeshire, given they had a shared water supply with North Essex.
- Essex County Council had confirmed within the Neighbourhood Plan that there were no plans for additional schooling provision, so children may need to be sent to schools elsewhere, detaching them from the community.
- Great Chesterford, like other areas of the district, had seen major growth and had increased by over a third in size. Further development was likely; however, this should not be damaging or speculative.
- The proposed Heritage Park would create a dedicated space in which to observe history and regard it as a location in which to view and explore, rather than continuing as fields. However, historical views would be lost.
- Only 3 objections had been raised by the statutory consultees.
- The site was not sustainable in relation to the existing community as it was located over a kilometre away from the village centre.
- There were unresolved questions as to what history was on the development site which had yet to be uncovered.
- The titled balance was still required in members considerations, due to the out-of-date Local Plan and a lack of a 5 year land supply that included a 20% buffer.

Councillor Emanuel proposed that the application be refused for the reasons set out in Section 17 of the Officer's report.

This was seconded by Councillor Pavitt.

RESOLVED: That the Strategic Director of Planning be authorised to refuse the application for the reasons set out in section 17.

Cllr N Gregory, Cllr J Moran, H Rolfe, D Hall, J Francis, Cllr J Redfern and Cllr T Newcombe (Great Chesterford Parish Council) spoke against the application.

D Morris and S Rawlings (Applicant) spoke in favour of the application.

The meeting was adjourned between 12:40 and 13:35.

Councillor Haynes returned to the meeting at 13:35.

PC125 **UTT/23/1439/FUL - LAND EAST OF THE STAG INN, DUCK LANE, LITTLE EASTON**

The Senior Planning Officer presented a S73 planning application for the 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

The application was recommended for approval subject to those items set out in section 17 of the report.

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

- The access road was previously under private ownership, however, was now adopted by Essex Highways.
- Concerns around flooding could not be revisited, as planning permission had already been granted for the site.
- A condition was already in place in which the applicant was required to consult with Place Services on the materials to be used in the development.

Members discussed:

- The amended design was sympathetic to the locality.
- There were concerns around the use of concrete, rather than slate and peg tiles.
- There were concerns regarding flooding and surface water drainage. Members requested that officers work with the developer to address the concerns.

Councillor Church proposed that the application be approved, subject to those items set out in section 17 of the officer's report.

This was seconded by Councillor Pavitt.

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

With the agreement of the Chair and for the purposes of training, the Vice-Chair chaired the meeting for Agenda Items 10 and 11.

PC126 **UTT/23/1853/FUL - FORMER FRIENDS SCHOOL, MOUNT PLEASANT ROAD, SAFFRON WALDEN**

The District Wide Team Leader presented a 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. The application was recommended for approval, subject to the items set out in section 17 of the report.

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

- Due to the constrained nature of the site, the proposed orientation was seen as the best way forward for the entire development. An alternative

scheme which made use of the traditional entrance had not been submitted.

- Officers had been working closely with the developers regarding the design and materials of the development.
- A replacement building had been proposed following the commencement of development as the current building was found to be structurally unsound and unsuitable for conversion.
- The variation of the internal walls would create more rooms and improve the overall liveable space.

Members discussed:

- The plan variation would result in the loss of the heritage integrity attached to the Assembly building and it was a departure from the original intention to preserve the features.
- Whilst it could not be condition, members requested that the historical fabric of the portico be retained and used elsewhere on the site.

Councillor Church proposed that the application be approved, subject to those items set out in section 17 of the officer's report.

This was seconded by Councillor Pavitt.

RESOLVED: That the Strategic Director of Planning be authorised to grant permission for the development, subject to those items set out in section 17 of the officer's report.

PC127 UTT/23/1046/FUL - LAND SOUTH OF RADWINTER ROAD, SAFFRON WALDEN

The Senior Planning Officer presented an application for the amendment to scheme approved under planning permission UTT/21/2465/DFO in order to change of use of 16 bungalows from Extra Care (C2) to Retirement Living (C3)

The application was recommended for approval, subject to the items set out in section 17 of the officer's report.

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

- A Financial Viability Assessment (FVA) was submitted 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. This was reviewed by Altair Consultancy who were appointed by the Council.
- 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.
- The FVA had not been made available to the meeting, due to commercial sensitivity.
- The development would become unviable under the current required contributions.
- The development had been substantially completed.

Members discussed:

- Altair Consultancy were content with the agreed contribution figure in lieu of affordable housing.
- There were concern that a decision was required without being provided with the FVAs or supporting evidence.
- No fundamental objection had been raised against the change of use from Extra Care (C2) to Retirement Living (C3).

Councillor Pavitt proposed that the application be approved, subject to the items set out in section 17 of the officer's report.

This was seconded by Councillor Freeman.

RESOLVED: That the Strategic Director of Planning be authorised to grant permission for the application subject to those items set out in section 17 of the officer's report.

The meeting was adjourned between 14:13 and 14:19

PC128 **UTT/23/2575/FUL - CRICKET WILLOW FIELD, SPARROWS END, LONDON ROAD, NEWPORT**

The Senior Planning Officer presented the application for the erection of 10 dwellings with garages and storage buildings (including 4 affordable homes) with access off London Road, sustainable drainage system and 2 wildlife areas.

The application was recommended for refusal for the reasons set out in section 17 of the officer's report.

Councillor Emanuel made a statement, on behalf of Newport Parish Council, and then recused herself from the meeting at 14:27

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

- A response had been received prior to the meeting from the Environment Agency which raised no objection to the application.
- Due to Sparrowsend Hill creating a division between the development site and the Shortgrove Estate, Historic England had not raised any objections that the development could cause harm to the nearby heritage assets.
- The site was 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. These Habitats currently required a mandatory 10m buffer from the riverbank.
- Place Services had 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.

Members discussed:

- The applicant had not provided sufficient information to demonstrate that the proposal would be acceptable in terms of highway safety, ecology and impact on heritage.

- Affinity Water did not object to the application, despite the site being located within a groundwater Source Protection Zone and in close proximity to their Pumping Station at Debden Road.
- The Environment Agency had not yet classified the site, thus did not raise any objections.
- Some of the development was located within 7m from the riverbank and was therefore in breach of the mandatory buffer zone.
- The site would risk causing displacement flooding further upstream in Newport and Wenden Ambo.
- Additional information was required around sewage, given the development was not connected to the sewer network and located in a vulnerable habitat.
- There were faults with the principals of the development.
- All statutory consultees had provided a response.

Councillor Church proposed that the application be refused for the reasons set out in section 17 of the officer's report, as well as for a lack of S106 legal agreement, contrary to policy H9.

This was seconded by Councillor Haynes.

RESOLVED: That the Strategic Director of Planning be authorised to refuse the application refused for the reasons set out in section 17 of the officer's report, as well as for a lack of S106 legal agreement, contrary to H9.

Cllr J Emanuel (Newport Parish Council) spoke against the application and R Kelsey (Agent) spoke in favour.

The meeting was adjourned between 14.48 and 14.51

Councillor Emanuel returned to the meeting at 14.51

PC129 UTT/22/1203/FUL - LAND OFF PELHAM ROAD, BERDEN

The District Wide Team Leader presented an application for the construction and operation of a Battery Energy Storage System and associated infrastructure. The application was recommended for approval, subject the items set out in section 17 of the officer's report.

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

- The application formed part of a cross-boundary application with East Herts District Council (EHDC). The proposed Battery Energy Storage System itself was located within the boundaries of East Hertfordshire, whereas an unnamed road to provide vehicle access fell within Uttlesford.
- The Applicant previously confirmed to officers that they anticipated that a total of 370 vehicle movements would be required during the construction period, which equated to an average of six to ten two-way movements per day.
- EHDC had yet to determine their part of application.

The Legal Advisor confirmed that members were only to determine as much of the application as was within the administrative boundary of the district. In this case, it was the access.

Members discussed:

- The Outline Safety Management Plan had highlighted that the site had a high risk of a severe fire. Members felt that it was important consider the safety of the whole site, given the impact of a fire would affect both districts.
- There were concerns around the practicality of access in the event of an emergency; particularly the suitability of access and manoeuvring for the multiple emergency vehicles which would be required.
- The construction traffic movements would have a negative impact on both the neighbour amenities and the fabric of the highway network.
- A comparative exercise had not been conducted to investigate the harm of each construction route. It was confirmed, however, that the Highways Authority for both Hertfordshire and Essex had met, but the planning authorities were not part of the discussions.
- Whilst the shorter proposed construction route through East Hertfordshire may affect fewer people, the disruption could be to a greater extent.
- A condition could not be imposed which required the other part of the site to receive approval from EHDC, before construction commenced in Uttlesford.

Councillor Church proposed that the application be approved. This did not receive a seconder.

Councillor Bagnall proposed that the application be deferred, in order for further information to be obtained regarding the impact of both construction routes to neighbouring amenities and heritage.

This was seconded by Councillor Pavitt.

RESOLVED: That the application be deferred for the reasons stated above.

J van Riemsdijk spoke against the application and J Halstead (Applicant) spoke in favour.

The meeting ended at 15:51

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Live Table
	October 2019 to September 2021	October 2020 to September 2022	October 2021 to September 2023	October 2022 to September 2024	
Speed of major Development	60% (76.27%)	60% (80.30%)	60% (83.33%)	60% (85.94%**)	District - P151a
Speed of non-major Development	70% (82.75%)	70% (85.06%)	70% (84.82%)	70% (83.11%**)	P153

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

Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Live Table
	April 2018 - March 2020 (appeal decisions to end December 2020)	April 2019 to March 2021 (appeal decisions to end December 2021)	April 2020 to March 2022 (appeal decisions to end December 2022)	April 2021 to March 2023 (appeal decisions to end December 2023)	April 2022 to March 2024 (appeal decisions to end December 2024)	
Quality of major Development	10% (16.5*%)	10% (17.57%)	10% (11.76%**)	10% (13.51%*)	10% (5.06%)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.31%)	10% (1.74%*)	10% (1.14%)	P154

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

Agenda Item 4

Committee: Planning Committee
Date: 7 February 2024
Title: Quality of Major Applications
Author: Dean Hermitage

Purpose

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

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

	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Apr 2017 - Mar 2019	76	29	17	8	7	2*	9.21%
Apr 2018 - Mar 2020	79	46	34	17	13	4**	16.46%
Apr 2019 - Mar 2021	74	38	27	13	13	1***	17.57%
Apr 2020 - Mar 2022	68	31	19	7	8	4****	11.76%
Apr 2021 - Mar 2023	74	30	18	7	10	1*!	13.51%
Apr 2022 - Mar 2024	79	22	11	5	4	2	5.06%

*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.

*! Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2023.

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 Birchanger Lane Birchanger	Hearing	Hearing closed
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

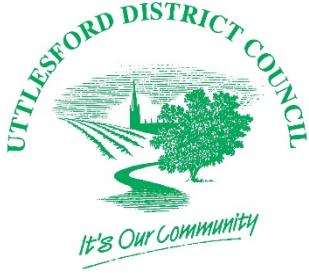
The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

Applications which have been submitted direct to the Planning Inspectorate

Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site Address:	Proposal:	Local Planning Authority Role:	Decision from PINs:
26 April 2022	S62A/22/000001	N/A	Land southeast of Stansted Airport, near Takeley	Requested a Screening Opinion for a solar farm including battery storage units, with approximately 14.3MW total maximum capacity.	Notified of outcome	
26 April 2022	S62A/22/0000002	UTT/22/1040/PINS	Former Friends' School, Mount Pleasant Rd, Saffron Walden	Conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.	Consultee	Approval with conditions – 11/10/2022
24 May 2022	S62A/22/0000004	UTT/22/1474/PINS	Land east of Parsonage Road, and south of Hall Road, Stansted	The erection of a 14.3 MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.	Consultee	Approval with conditions – 24/08/2022
06 July 2022	S62A/0000005	UTT/22/1897/PINS	Canfield Moat High Cross Lane Little Canfield	Erection of 15 dwellings	Consultee	Refused – 27/06/2023
20 July 2022	S62A/0000006	UTT/22/2046/PINS	Land At Berden Hall Farm Dewes Green Road Berden	Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.	Consultee	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	Opinion Given
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	Opinion Given
10/12/2023	S62A/2023/0031	UTT/23/3112/PINS	Land North Of Knight Park Thaxted Road Saffron Walden	Consultation on S62A/2023/0031 - Outline application with all matters reserved except for access for the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park	Consultee	
10/12/2023	S62A/2023/0030	UTT/23/3113/PINS	Land West Of The Cricketers Clatterbury Lane Clavering	Consultation on S62A/2023/0030 - Outline 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	Consultee	



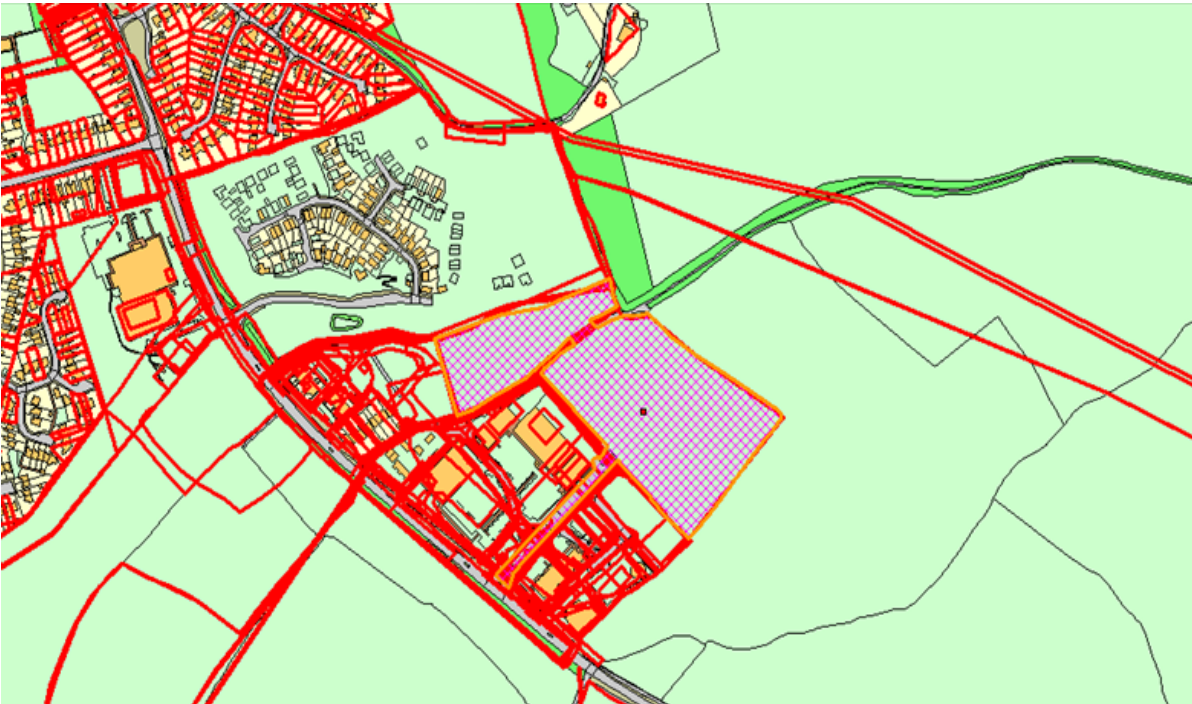
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 07 February 2024

REFERENCE NUMBER: S62A/2023/0031 and UTT/23/3112/PINS

LOCATION: Land North Of Knight Park
Thaxted Road
Saffron Walden
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 29th January 2024**

PROPOSAL: Consultation on S62A/2023/0031 – Outline application with all matters reserved except for access for the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park

APPLICANT: Kier Ventures Ltd

AGENT: Woolf Bond Planning LLP

DATE CONSULTATION RESPONSE DUE: Extension of time given to 09th February 2024.

CASE OFFICER: Matt Kolaszewski

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

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 proposed application site is located to the to the northeast of Thaxted Road, Saffron Walden. The site is approximately 2 hectares in size and its topography consists of a modest slope falling from the southeastern corner to the northwestern corner. The site is formed by a single distinct field currently in arable production and free of any established built form. Mature vegetation is the form of established hedgerows and medium

size trees are located along the boundaries of the site. Immediately adjacent to the southern boundary is Knights Park Retail Park which includes a several commercial units, a supermarket, a café, hotel, and a recycling centre. To the north, operation works are currently ongoing for a residential development for the construction of 150 dwellings being undertaken by Bellway. Modest size arable fields used for agriculture are located to the east.

- 2.2 In terms of local designations, the site is defined as being outside of the settlement boundary of the Town of Saffron Walden and thereby located in the countryside. The Environmental Agency Flood Risk Maps identifies the site lying within 'Flood 1'. The site does not fall within or abuts a conservation area, and there are no other heritage assets near the site. There are no local landscape designations within or abutting the site..

3. **PROPOSAL**

- 3.1 This is an Outline application for up to 55 dwellings, associated landscaping, informal open space and open space, with access from Thaxted Road via Knight Park. All other matters are reserved for future consideration. Buildings heights will be in conformity with existing dwellings in the vicinity of the proposal, and proposed at a maximum of 2.5 storeys. The scheme will include a mix of housing tenures, together with up to 40% affordable housing provision.

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

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 23 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 23 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 23rd January 2024. 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

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)

Emerging Local Plan

The Council is currently out to consultation of the new Local Plan for Uttlesford (regulation 18) in which the consultation response for representations closes on the 15th December 2023. The draft plan contains the vision, objectives, spatial strategy, and planning policy framework for the period 2021 to 2041. It is anticipated that the new local plan will be adopted in Spring of 2026. Once adopted the new local plan for the district will replace the existing Adopted Local Plan 2005.

12. POLICY

12.1 National Policies

National Planning Policy Framework (2021)

12.2 Uttlesford District Plan 2005

- Policy S7 (Countryside)
- Policy GEN1 (Access)
- Policy GEN2 (Design)
- Policy GEN3 (Flood Risk)
- Policy GEN4 (Good Neighbourliness)
- Policy GEN5 (Light Pollution)
- Policy GEN6 (Infrastructure Provision)
- Policy GEN7 (Nature Conservation)
- Policy GEN8 (Parking)
- Policy ENV5 (Protection of Agricultural Land)
- Policy ENV7 (The Protection of the Natural Environment Designated Sites)
- Policy ENV8 (Other Landscape Elements of Importance for Nature Conservation)
- Policy ENV10 (Noise Sensitive Development and Disturbance from Aircraft)
- Policy ENV11 (Noise Generators)
- Policy ENV12 (Groundwater Protection)
- Policy ENV13 (Exposure to Poor Air Quality)
- Policy ENV14 (Contaminated Land)
- Policy H9 (Housing Mix)
- Policy H10 (Affordable Housing)
- Policy E2 (Safeguarding Employment Land)
- Policy SW5 (Thaxted Road Employment Site)
- Policy SW6 (Safeguarding of Existing Employment Areas)

12.3 Supplementary Planning Document or Guidance

- Accessible Homes and Play Space (November 2005)
- Urban Place Supplement to the Essex Design Guide (March 2007)
- Uttlesford Adopted Parking Standards
- Essex County Council Parking Standards (September 2006)
- Interim Climate Change Planning Policy (February 2021)
- Building for a Healthy Lifestyle (November 2021)
- First Homes Planning Advice Note (March 2022)

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 Referring to the existing adopted development plan, the northern part of the site is located within the 2005 Local Plan boundary for policy SW5 “Thaxted Road Employment Site” which is a 3.76 hectare site proposed for employment uses. It is noted that the northern part is no longer being considered for development in the latest illustrative masterplan for the site. The rest of the site is in open countryside.

13.2.2 The 2005 Local Plan safeguards existing employment land and allocates land for future employment development immediately to the south and west of the site under policies SW6 and SW5 respectively. Despite being in open countryside the proposed site access is through the existing and proposed employment sites. Since the 2005 plan was adopted a household waste recycling centre has opened immediately to the south of the site (consented in 2007 under reference UTT/0710/05/CC).

13.2.3 The recently published Uttlesford Employment Needs Update (2023) identifies a need for “up to 5ha” of industrial land in Saffron Walden. As outlined in the Employment Site Selection Topic Paper (2023) the recently published draft Housing and Economic Land Availability Assessment (2023) only identifies one site at Saffron Walden that is suitable, available and achievable for employment use – the site that is subject to this pre-app – albeit it is acknowledged that the site was promoted for both employment and residential in the Council’s Call for Sites. The Council published a draft Local Plan for Regulation 18 consultation on 3rd November 2023. The plan allocates this site for employment development (industrial use) under Core Policy 4 and Core Policy 6 for a total of 3ha at “Land north of Thaxted Road (Rear of Knights Park)”.

13.2.4 As the Site Selection Topic Paper explains; given the need for industrial floorspace at Saffron employment, the lack of alternative sites and furthermore the identified noise and amenity constraints created by the household waste recycling centre and commercial development immediately to the south the site, the site has been allocated for employment use in the emerging Local Plan. The area allocated is only 3ha (i.e. excluding the land to the north) due to advice received from the local highway authority about the impact of crossing the byway at Tiptofts Lane. Even with the proposed allocation in the Regulation 18 Local Plan there is still a technical shortfall against the “up to 5ha” need.

13.2.5 There is an objection in principle to residential development on this site due to the conflict with the employment policies in the 2005 Local Plan, the emerging Regulation 18 Local Plan and the proposed employment allocation on the site, and material considerations in the form of up-to-date evidence on employment need and suitable, available and achievable HELAA sites for employment land at Saffron Walden.

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).

13.4 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. There would 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 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 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 not yet commented on the noise aspects of the application.

13.6 D) Heritage impacts and Archaeology

13.6.1 Heritage

13.6.2 There are no heritage assets on the or within close proximity to the site

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 planning application is supported by a heritage statement which contains a summary of the archaeological potential of the area. There has also been discussions between the applicants consultant and this office. The results, largely negative, of a geophysical assessment area also provided within the heritage statement. The Historic Environment Record shows that to the west of the site on the opposite valley side the remains of two Bronze Age burial mounds have been excavated in advance of housing (EHER 48520). Immediately to the south west of the site two lime kilns were recorded situated within an existing chalk quarry (EHER 15007) both of post medieval date. The location of the large field of this development on the opposite valley slope to that of the burial mounds has the potential to have surviving prehistoric deposits of a similar date. 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 22 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.

13.7.5 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 Vehicular access to the proposed dwellings will be provided by a single means of access from Thaxted Road via Knight Park. The proposed arrangements for vehicular access to the Site that is proposed to take the form of an extension to the existing spine road serving Knight Park into the western boundary of the site. The proposed vehicular access involves the extension of the existing spine road by approximately 15m. The existing service yard access will be retained in full whilst the existing turning head opposite is to be removed. Narrowing will be introduced at the site entrance as a traffic calming measure whilst the existing footpath will be extended to tie into the proposed development.

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 National Planning Policy Framework (NPPF) Agent of change principle is relevant to this development. Section 187 of the NPPF states as follows; 187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

To ensure that all the existing businesses at the retail park (e.g. Pets at Home, Vets 4 Pets, B and M store and Garden Centre, Pure Gym, Beefeater, Costa Coffee, the Saffron Walden Household Recycling Centre, a depot, Premier Inn, Howdens and Aldi supermarket etc) would not have unreasonable restrictions placed upon them as a direct result of the proposed development it is necessary to undertake a robust noise assessment under BS4142 that includes all relevant noise sources and includes all the information to be reported as set out in BS4142 section 12 including a description of the main sources and the specific sound, hours of operation, mode of operation and so on.

13.10.2 UDC Environmental Health have not commented on noise matters. Their 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.

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 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 55 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 22 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 in Saffron Walden which has an extensive range of shops and services.

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 is an objection in principle to residential development on this site due to the conflict with the employment policies in the 2005 Local Plan, the emerging Regulation 18 Local Plan and the proposed employment allocation on the site, and material considerations in the form of up-to-date evidence on employment need and suitable, available and achievable HELAA sites for employment land at Saffron Walden.

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, there are concerns regarding the residential development on this site due to the conflict with the employment policies in the 2005 Local Plan, the emerging Regulation 18 Local Plan and the proposed employment allocation on the site, and material considerations in the form of up-to-date evidence on employment need and suitable, available and achievable HELAA sites for employment land at Saffron Walden.
- 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



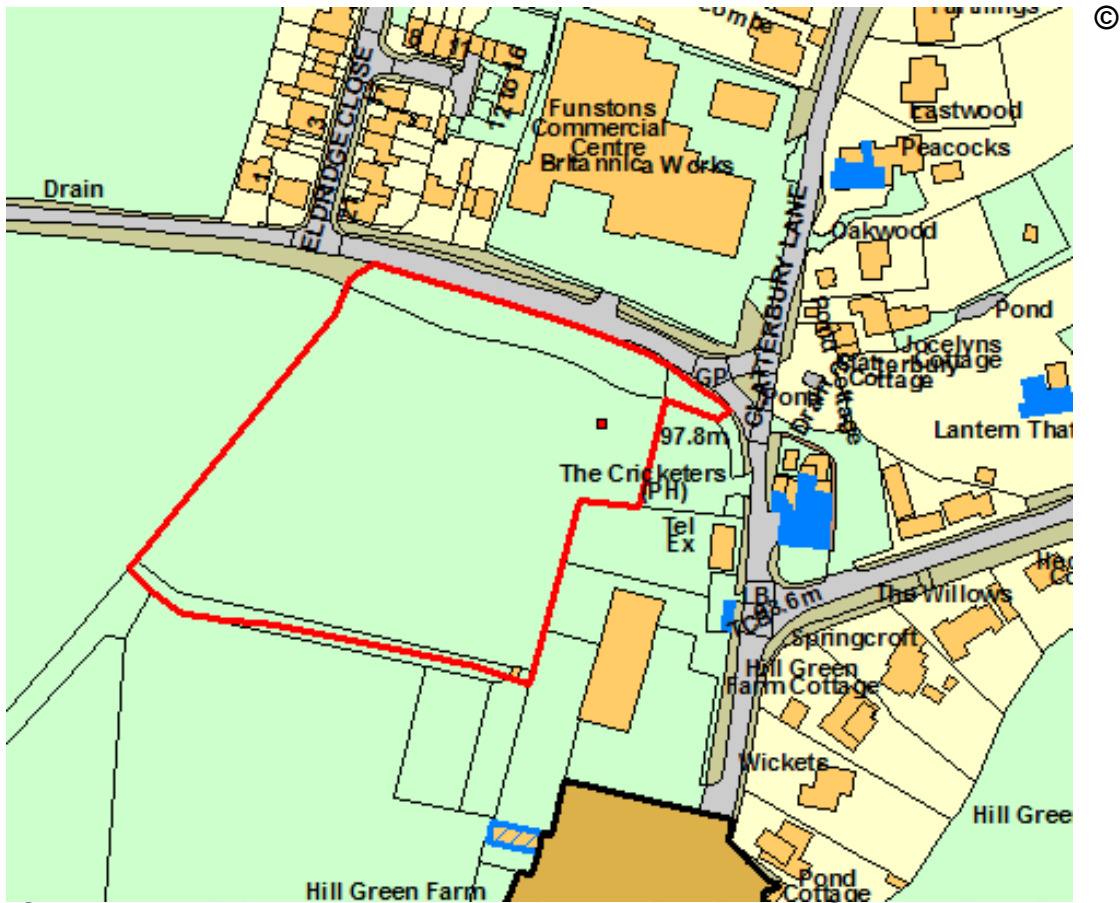
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/23/3113/PINS

LOCATION: Land West Of The Cricketers
Clatterbury Lane, Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date:19.01.2024**

PROPOSAL: Consultation on S62A/2023/0030 - Outline 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

APPLICANT: Mr M Forbes- Baya Group

AGENT: Mr L Tomlinson- Bridge Planning

EXPIRY DATE: 7 February 2024

EOT Expiry Date N/A

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

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

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

1. RECOMMENDATION

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

Details are to be outlined by the Planning Committee.

2 SITE LOCATION AND DESCRIPTION:

2.1 The application site is located to the West of The Cricketers Public House and south of Eldridge Close and Stickling Green Road in Clavering. The site consist of a parcel of agricultural land which measures approximately 1.26 hectares. The site is bound by mature hedgerows and trees.

3. **PROPOSAL**

- 3.1 This application seeks outline planning permission with all matters reserved except access for up to 28 dwellings public open space, sustainable drainage systems, landscaping and associated infrastructure. The site will include highway access from Stickling Green Road.
- 3.2 The application includes an illustrative site plan to demonstrate how the site could be development for the number of units proposed, whilst meeting relevant parking and amenity standards and having regard to the landscape characteristics of the site.
- 3.3 The proposal will include 28 units on a site area of 1.26ha, generating a density of 22 dwellings per hectare. The development will include 40% affordable housing units (11 units) secured through a S106 agreement.

4. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

5. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/0507/12/OP	Outline permission for erection of 31 dwellings with some matters reserved except access, layout and scale.	<u>Application Site</u> Refused 23.08.2012 Countryside Harm Appeal Dismissed
UTT/13/2228/OP	Outline permission for erection of 9 dwellings with some matters reserved except access, and scale (amended scheme to planning application UTT/0507/12/OP)	<u>Application Site</u> Refused Countryside Harm Unsustainable Location
UTT/23/2616/PINS	Consultation on S62A/2023/0025 - Outline planning application with all	<u>Neighbouring Site- Eldridge Close</u>

	matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development	Pending Consideration
UTT/22/1578/OP	Outline planning application with all matters reserved except access for up to 32 dwellings including public open space, sustainable drainable systems, landscaping and associated infrastructure and associated development.	<u>Neighbouring Site- Eldridge Close</u> Refused Countryside Harm Loss of Ag Land No S106 completed Appeal Lodged
UTT/20/1628/OP	Outline planning application with all matters reserved except access for up to 9 dwellings (Class C3) including, public open space, sustainable drainage systems, landscaping and all associated infrastructure and development.	<u>Neighbouring Site- Eldridge Close</u> Refused, appeal dismissed.

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. The applicant has included a Statement of Community Involvement that advises:
- 6.2** As part of the process leading up to the formal planning submission, there has been informative correspondence, as detailed below, issued to the Parish Council, sitting Members and residents within the locality (0.5 miles), detailing the nature of the proposals, thus enabling a greater timeframe to consider and comment on the proposals as part of the consultation process post submission.
- 6.3** In addition, comprehensive public consultation will be undertaken for further site specific comments which in turn will inform the detailed design elements of the scheme as part of any reserved matters submissions.

7.0 STATUTORY CONSULTEE RESPONSES

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

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

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

8. PARISH COUNCIL

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

9. CONSULTEE RESPONSES

9.1 UDC Housing Enabling Officer

9.2 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 28 properties. This amounts to up to 11 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.

9.3 Essex Police

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

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS.

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

11. MATERIAL CONSIDERATIONS

11.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The

Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

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

(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 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant permission. The Local Planning Authority may amend or remove condition but may not amend any other part of the permission and therefore the original permission remains intact. Therefore, this means that a developer may elect which permission to implement.

12. The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

13.2.1 S7 – The countryside

GEN1- Access
 GEN2 – Design
 GEN3 -Flood Protection
 GEN4 - Good Neighbourliness
 GEN5 - Light pollution
 GEN6 - Infrastructure to support development
 GEN7 - Nature Conservation
 GEN8 - Vehicle Parking Standards
 H9 - Affordable Housing H10 - Housing Mix
 ENV1 - Design of development within the conservation area
 ENV2 - Development affecting Listed Buildings.
 ENV3 - Open Space and Trees
 ENV8- Other landscape elements of importance for nature conservation
 ENV4 - Ancient Monument and sites of Archaeological Importance
 ENV5 - Protection of Agricultural Land
 ENV11 - Noise generators
 ENV13 - Exposure to poor air quality
 ENV14 - Contaminated land

13.3 Supplementary Planning Document or Guidance

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 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) Location and principle of housing**
 - B) Character, Appearance and heritage**
 - C) Transport**
 - D) Accessibility**
 - E) Amenity**
 - F) Flooding**
 - G) Infrastructure**
 - H) Protected species and biodiversity**
 - I) Archaeology**
 - J) Affordable housing**
 - K) Housing mix**
 - L) Contamination**
 - M) Exposure to poor air quality**
 - N) Light pollution**
 - O) Climate Change**
 - P) Planning balance**
 - Q) Other matters**

14.3 A) Location and principle of housing

14.3.1 The Local Plan places the site beyond the defined Development Limits for towns and villages, and therefore in a countryside location whereby development for housing is inconsistent with Policies S7 and H1. The location of the application site is to the northern part of the village where a previous planning application on this site for dwellings (UTT/0507/12/OP) was refused and subsequently dismissed by the Planning Inspector.

14.3.2 The Inspector advised the village has a degree of sustainability, but not enough to qualify the scheme as sustainable development. In essence, the site is not in a sufficiently sustainable location, and this consideration is of greater moment than issues of housing land supply. Although the relevant policies for the supply of housing are considered not to be up-to-date, The adverse impacts of approving the scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

14.3.3 However, appeal decision – UTT/20/1628/OP, which considered the nearby site of land to the north of Eldridge Close took the view that the residents of new houses would be likely to contribute to the social life of the settlement and help support its services and facilities. Residents would contribute financially to local shops and services in the long term. This is a location where development in one village is also likely to support services in villages nearby.

14.3.4 Although this was the case the Planning Committee recently (December 2023) considered a S62a application (UTT/23/2616/PINS) for the nearby site of land to the North of Eldridge Close. Concerns raised by the Committee included the location of the application site, it was considered that the proposal would not encourage the use of movement by means other than driving of a car to even local facilities. As such the proposal is considered contrary to Policy GEN 1(e) of the Uttlesford Adopted Local Plan 2005.

14.3.5 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.

14.3.6 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.

- 14.3.7** 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.
- 14.3.8** 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.
- 14.3.9** ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 174 (b) of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies as it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable. It is noted the Planning Inspector, that considered the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land.
- 14.3.10** In conclusion to the principle and location of the proposed development, the introduction of the dwellings will be in conflict with ULP Policies S7 (countryside development) and ENV5 (protection of agricultural land). In taking a consistent approach with the committees consideration of application- UTT/23/2616/PINS the location of the development would not be sustainable in regards that occupiers of the development would likely require the use of a motor vehicle to get to local facilities which is contrary to Policy GEN 1(e) of the Uttlesford Adopted Local Plan 2005.

14.4 B) Character, Appearance and Heritage

- 14.4.1** The proposed development of this site would fill this open rural plot and as a result, the size and shape of the site and the number of buildings and hard surfaces upon it, the scheme would thrust itself into the prevailing open countryside, standing out in marked and discordant contrast with the nearby form of development in this part of the village.
- 14.4.2** 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. Although is well screened it would still likely result in the impact on the wider landscape through long distance, short range and glimpsed views of the development/ site..
- 14.4.3** A landscaped area and buffer would be provided to the western boundary of the site and additional planting could be provided along other

boundaries. This would help soften the impact of a scheme of this size on the surrounding countryside, but the site it is nevertheless an attractive part of the rural scene especially on when approaching the village along Stickling Green Road.

14.4.4 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. It will result in significant and demonstrable harm to the countryside contrary to the countryside protections aims of Policy S7 of the adopted Local Plan.

14.4.5 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.

14.4.6 In regard to heritage, ULP Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.4.7 The location of the application site is in close distance to the nearby Listed Buildings of Hill Green Farm and The Cricketers Public House which form locally distinctive features and an important part of the landscape. There is some separation distance between the site and the heritage assets, and the visual impact of the development at the proposed scale may likely 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.

14.5 C) Transport

14.5.1 Local Plan Policy GEN1 states "development will only be permitted if it meets all of the following criteria;

a) Access to the main road network must be capable of carrying the traffic generated by the development safely.

b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.

c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

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

e) The development encourages movement by means other than driving a car.”

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

14.5.3 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.

14.5.4 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.

14.5.5 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.

14.5.6 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-to-day needs. For most local services and facilities, future occupiers would need to travel to larger settlements

14.5.7 I conclude that the proposed location fails to accord with local and national policies promoting the use of sustainable transport, which is consistent with the approach Committee Members took when considering the neighbouring site of Eldridge Close (UTT/23/2616/PINS). 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.

14.6 D) Accessibility

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

14.7. E) Amenity

14.7.1 Taking into account The Essex Design Guide, which represents non adopted but useful a guidance, it is considered the proposed scheme 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. These details would be considered in a reserved matters application.

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

14.8 F) Flooding

14.8.1 Policy GEN3 contains the Local plan for flooding, although this has effectively been superseded by the more up to date flood risk polices in the NPPF. The site is located wholly within Flood Zone 1 and is likely to be considered as a low risk of pluvial/ surface water flooding

14.8.2 A Flood Risk Assessment has been submitted with this application which include two drainage options - Infiltration Strategy or Attenuation Strategy. The applicant's technicians have concluded that the proposals of both strategies of discharge to ground and discharge to open waterbody do not increase flood risk onsite or elsewhere and the necessary mitigation measures have been detailed in this report. The proposed development is considered to be suitably and sustainably located and is in line with local and national policies.

14.8.3 The Lead Local Flood Authority have been consulted in regard 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.

14.8.4 In terms of the foul drainage, the Flood Risk Assessment advises there is one public foul water sewer that runs in close proximity to the east border of the site along Clatterbury Lane. A foul drainage scheme 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.

14.9. G) Infrastructure

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

14.9.2 Affordable Housing

14.9.2.1 40% affordable housing (including first homes) would be provided in accordance with Local Plan Policy H9. Also, 5% wheelchair accessible housing provision will be secured should planning permission be granted.

14.9.3 Education

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

14.9.4 Provision and maintenance of public open space

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

14.10 H) Protected species and biodiversity

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

14.10.2 The application includes an ecology survey report, due consideration is made to this. Mitigation measures have been provided to avoid any

adverse effects on biodiversity. The landscape scheme has been designed to maximise retention and enhancement of existing habitats where possible. New habitats will include amenity grassland, amenity planting, vegetated garden, an attenuation pond, sustainable drainage feature and individual trees. The provision of these habitats and enhancements will be of benefit to wildlife.

14.10.3 To achieve a Biodiversity Net Gain for the development, off-site compensation will be required and could be secured as part of the S106 agreement. The Council's Ecology Officer has been consulted in regards to the development no comments have been received, any comments received are required to be submitted directly to PINS.

14.11 I) Archaeology

14.11.1 Essex County Council's Archaeological officer has been consulted in regard to the development no comments have been received, any comments received are required to be submitted directly to PINS.

14.12 J) Affordable Housing

14.12.1 Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable housing provision is consistent with Policy H9. A total of 11 affordable home would be built, in accordance with the requirement that 40% of new homes should be affordable. The affordable housing will be secured by a legal agreement.

14.12.2 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.

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

14.13 K) Housing Mix

14.13.1 Policy H10 requires that a significant proportion of market housing comprises smaller properties, with two or three bedrooms. As all of the proposed houses would be in this category it is concluded that the proposal accords with Policy H10. This application is for outline planning permission and the housing mix would be approved at the reserved matters stage.

14.14 L) Contamination

14.14.1 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application site may have the potential risk of contamination and therefore the UDC Environmental Health Officer has been consulted. No comments have been received; any comments received are required to be submitted directly to PINS.

14.15 M) Exposure to poor air quality

14.15.1 ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12-month period, which the annual mean-based air quality objectives requires. The impact can be minimised by adopting non car travel, further mitigation can include the introduction of electric vehicle charging points. As such it is considered the development accords with ULP Policy ENV13 and Paragraph 111 of the NPPF.

14.16 N) Light pollution

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

14.17 O) Climate Change

14.17.1 Following the adopted UDC Interim Climate Change Policy (2021) due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and ways their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. The applicant has included detail within the Planning Statement how the proposal accords with this policy as set out in the following points;

- The location of the site is part of a sustainable extension to Clavering, the minimising of carbon emissions.
- The proposal takes into consideration the existing trees and landscape working with the existing topography of the site to avoid regrading of the site and the need to export soil from the site, this limits the impacts on climate change.
- The drainage solution adopted for the site make suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.

- The proposed retention of existing landscape and further planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting. In biodiversity terms there would be a gain in habitat provided in the proposed landscape scheme.
- The use of solar panels is proposed which takes advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels.
- Air source heat pumps are also proposed which can take heat from the outside air and use this to heat the dwellings.
- In promoting sustainable travel, the development will provide appropriate storage for cycles, electric vehicle charging points and the provision of a residential travel pack for future occupiers.

14.17.2 In summary, the proposal could 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.

14.18 P) Planning balance

14.18.1 The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years, 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.”

14.18.2 Benefits of the development:

14.8.3 The development would result the delivery of up to 28 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.

- 14.18.4** The development would provide up to 11 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.
- 14.18.5** 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**.
- 14.18.6** The forecast level of biodiversity net gain could be greater than any current development plan or legal target and would result in ecological enhancements. These benefits can be afforded **moderate positive weight**.
- 14.18.7** 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
- 14.18.8** Provision of landscaped footpath corridor for use by the public- **Afforded Limited Positive weight**.
- 14.18.9** **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)
- 14.19** **Adverse impacts of the development:**
- 14.19.1** 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
- 14.19.2** The proposed development would result in the permanent loss of the agricultural land that is defined as the Best and Most Versatile (BMV) agricultural land Grade 2, this is afforded moderate negative effect. It is noted the Planning Inspector deciding the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land. The development would have a **moderate negative effect** on the provision of agricultural land and result in conflict with Policy ENV5.

14.20 Neutral Factors:

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

14.21 **Q) Other matters**

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

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

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

14.21.4 The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

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

15 CONCLUSION

15.1 Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.

15.2 Following the above assessment and 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.

15.3 The Case Officer's assessment of the application considers the following:

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.

15.4 Overall, it is considered that the harm to the openness and character of the countryside, loss of agricultural land and unsustainable location of the site significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole;

- The proposal will introduce a sizable residential development to an area of open countryside. This would appear out of character with the open rural site and pattern of development within Clavering, this will be therefore harmful to the rural character of the immediate and surrounding area. The proposal would not be appropriate for this rural location and would be contrary to Uttlesford Local Plan Policies (adopted 2005) S7, GEN2 and the NPPF.
- The proposals by reason of its inappropriate size and scale would amount to the significant loss to best and most versatile ('BMV') agricultural land contrary to Policy ENV5 of the Uttlesford District Council Adopted Local Plan and Paragraph 174(b) of the National Planning Policy Framework.
- As a result of the location of the application site it is considered that the proposal would not encourage the use of movement by means other than driving of a car to even local facilities. As such the proposal is considered contrary to Policy GEN 1(e) of the Uttlesford Adopted Local Plan 2005.

15.5 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



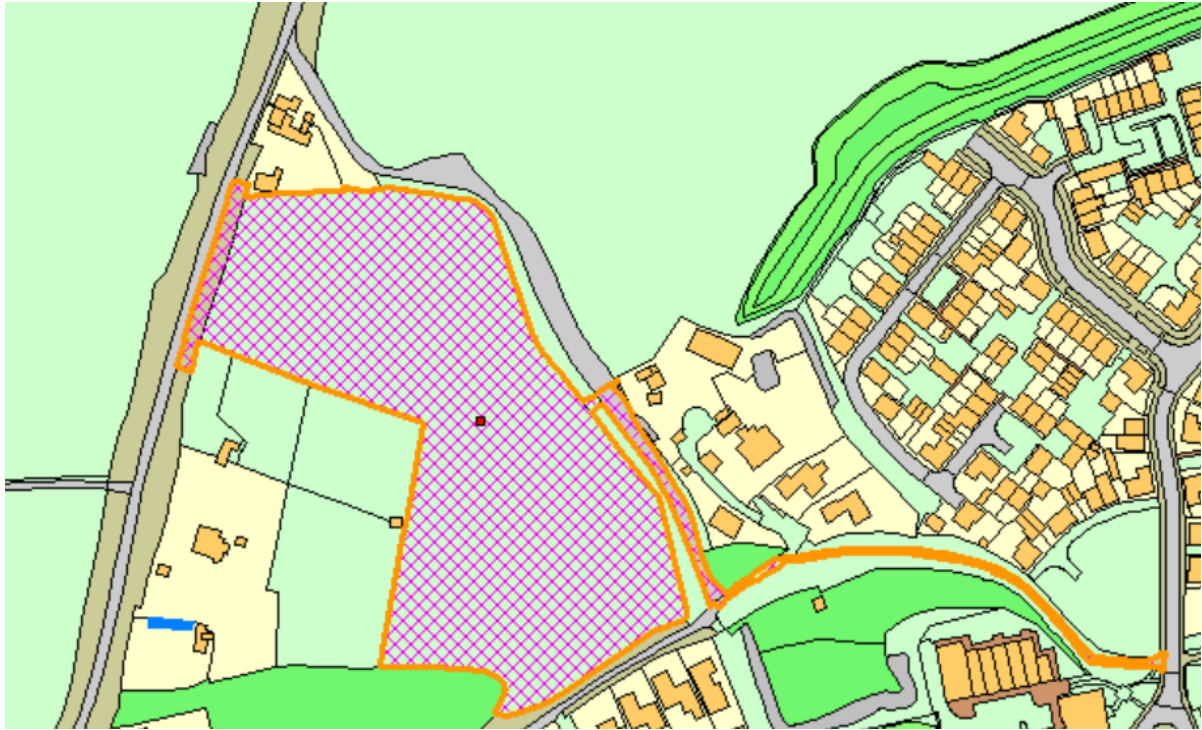
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/22/3126/FUL

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

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: November 2023

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

APPLICANT: Weston Homes PLC

AGENT: Mr Jarrod Spencer

EXPIRY DATE: 3 March 2023

EOT EXPIRY DATE: 9 February 2024

CASE OFFICER: Rachel Beale

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

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 This scheme seeks planning permission for the erection of 40 no. dwellings, including open space landscaping and associated infrastructure.

1.2 This application was determined by a Planning Inspector as a S62a application in September 2023, where it was established that the principle and design of the proposal was acceptable, with the two reasons for refusal focussing on details of impact of the access on the protected lane and impacts from works to the byway on ecology and local character by way of lighting.

1.3 In early February this year a revised S62a application will be heard at a hearing. Members made comments on the current S62a application at the December Planning Committee.

- 1.4 This application is before Members today as it is considered that the reasons for refusal from the dismissed S62a scheme have now been addressed and the proposal therefore complies with local and national policy.

2. **RECOMMENDATION**

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

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

And

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

3. **SITE LOCATION AND DESCRIPTION:**

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

- 3.2 A section of Smiths Green Lane, north of Jacks Lane, is a protected lane. The area of land to the north of Jacks Lane is bounded by mature trees and hedges, with the development along Warish Hall Road/Smiths Green Road is linear in nature and has several listed buildings along it.

- 3.3 Three public rights of way are in close proximity to the site. One west of the site running parallel to Priors Wood, and two leading off Jacks Lane, one along the eastern boundary of the site and one to the south leading towards Dunmow Road.

4. **PROPOSED DEVELOPMENT**

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

- 4.2 Access to the site would be from Smiths Green Lane using the existing access point. The design provides a link from the East side of the Jacks site, to connect into an existing PROW, which leads into Little Canfield. This was not previously part of the red line but it is now included. There

are also Public Rights of Way on the west of Smiths Green Lane which connect with Parsonage Road to the west.

- 4.3 The application site covers 2.1 hectares, with the proposal having a density of approximately 19 dwellings per hectare. The site would feature an area of open space, including a Local Area of Play. This would total 1,900m².

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

- 6.1 UTT/21/1987/FUL - Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes - Land At Warish Hall Farm Smiths Green, Takeley – Refused – 20/12/2021. Appeal reference: APP/C1570/W/22/3291524 – Appeal Dismissed – 09/08/2022.

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

- 6.3 S62A/2023/0027 (UTT/23/0902/PINS) - Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure – not yet determined.

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:

- Leaflet drops to local residents detailing a consultation webpage;
- Online consultation page with information on the proposals and a portal for submitting comments;
- Further leaflet drop following amendments, detailing an updated consultation webpage;
- Updated online consultation page with information on the amendment and a portal for submitting comments; and

- Public Exhibition on the proposals for people to understand the proposals and ask any questions as well as raising any concerns with the design team.

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

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective, the impact of the proposal is acceptable, subject to conditions.

8.2 Local Flood Authority

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

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 The Parish Council strongly objects to the application for the following reasons:

- Heritage - The development will impact the agrarian setting and views from the Smiths Green.
- Conservation which was designated on 16th November 2023.
- Light pollution - This is a rural setting with dark skies and is close to an ancient monument and conservation area.
- Harm to the Countryside - The two objection reasons on the s62a application have not been addressed.
- Countryside Protection Zone - the development will cause coalescence between Smiths Green and Priors Green and will remove the open countryside setting within the CPZ.

- Highways and NPPF - There is no safe foot and cycle link for all users to amenities in Priors Green at all times, via the restricted byway, and there is no safe foot or cycle link along the protected lane or on Village Green verges.
- Ecology - drainage for path improvements would require remove of existing hedgerow and proposed lighting would be harmful to bats and other wildlife.
- GEN1 Access - The development visibility splays onto Smiths Green Lane cannot be achieved without the removal of Village Green status verges and hedgerow, which would require a separate application to the Secretary of State, with no reason to believe that permission would be granted.
- The harms significantly outweigh the benefits and UDC can demonstrate a housing supply in excess of 5 years.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections.

10.2 UDC Environmental Health

10.2.1 No objection subject to condition.

10.3 Place Services (Conservation and Heritage)

10.3.1 In my opinion, the proposal will cause a low level of less than substantial harm to the significance of the designated Conservation Area from development within its setting in terms of the National Planning Policy Framework (NPPF, 2023), making paragraph 202 relevant.

10.4 Place Services (Ecology)

10.4.1 No objection, subject to condition.

10.5 Crime Prevention Officer

10.5.1 We thank you for notification of the amendments to this application. We have nothing further to add to our comment of the 8th December 2022.

10.6 Place Services Archaeology

10.6.1 No objections subject to conditions.

10.7 Essex Police

10.7.1 No objections subject to details.

10.8 NHS

10.8.1 No objection subject to S106.

11. REPRESENTATIONS

11.1 A site notice was displayed on site, the application was advertised in the local press and notifications letters were sent to nearby properties.

11.2 Support

11.2.1 None.

11.3 Object

- 11.3.1**
- Impacts on protected byway.
 - Impact on character of area.
 - Urbanisation of landscape.
 - Urban sprawl.
 - Increased traffic.
 - Roads unsuitable for increased traffic.
 - Impacts on listed buildings.
 - Impact on wildlife.
 - Removal of agricultural land.
 - Impacts on the byway.
 - Light pollution.
 - Removal of ditches.
 - Lack of existing infrastructure.
 - Impact on highway safety.
 - Increase flooding.
 - Poor design.
 - Development in the CPZ.
 - Impacts on climate change.
 - Unsustainable location.
 - Developers do not have 'access rights' over verges.
 - Removal of vegetation.
 - Development on 'greenfield' land.
 - Poor consideration for pedestrians and cyclists.
 - Impacts from surface water.
 - Double size of Smiths Green.
 - Modern design is out of keeping with surrounding settlement.
 - Loss of trees and hedgerows.
 - Impact on views.
 - Overdevelopment.
 - Isolated location.
 - Not enough school places.

11.4 Comment

11.4.1 The above representations are addressed in the report where material planning considerations are raised.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 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
S8 – The Countryside Protection Zone
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient monuments and Sites of Archaeological Importance
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

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

14.3 **A) Background**

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

14.3.2 The application was dismissed by the Inspector for the following grounds:

1. It has not been adequately demonstrated that lighting and loss of vegetation, particularly in relation to access works and off-site proposals to improve the restricted byway Takeley 48/25 would not result in unacceptable harm to the established character and appearance of the surrounding area and to the significance of Smiths Green Lane (Warish Hall Road), a protected lane and non-designated heritage asset. This is contrary to policies S7, ENV9 and GEN2 of the Uttlesford Local Plan and paragraphs 130 c), 185 c) and 203 of the National Planning Policy Framework.
2. It has not been adequately demonstrated that safe and suitable access to and from the site for pedestrians and cyclists could be achieved which meets highway design standards whilst responding to local character and biodiversity considerations, contrary to Uttlesford Local Plan policy GEN1 and paragraphs 92, 110 and 112 of the National Planning Policy Framework.

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

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

14.3.5 The Inspector found there was a sufficient range of services to meet day-to-day needs within a reasonable distance of the site and concluded she

was satisfied that the development of the site is commensurate with the position of Takeley in the settlement hierarchy and that the location is broadly compatible with the Key Rural Settlement status of Takeley in the context of Local Plan Policy S3. She concluded the site represents a small proportion of the best and most versatile agricultural land in the district and that its loss would not be significant. Furthermore, she was satisfied that the proposed development would not conflict with part a) of policy S8 in terms of avoiding coalescence between Stansted Airport and existing development in the surrounding countryside.

- 14.3.6** • Whether the proposed development is accessible for non-motorised users and would be acceptable in terms of highway safety;
- 14.3.7** In line with ECC Highways, the Inspector concluded there would not be severe cumulative impacts on the road network.
- 14.3.8** Nevertheless, she did conclude there would be an impact in terms of highway safety relating to safe and suitable access for non-motorised users, concluding *“I am not satisfied that a scheme to upgrade the byway could be dealt with post-consent, either through the UU or by Grampian type conditions. Without the link, I am unconvinced that the site could be safely and suitably accessed by non-motorised users”*. This is due to the conflict between the works required to secure a safe access route and the impacts these works would have on the surrounding character, biodiversity and wildlife.
- 14.3.9** • The effects of the proposed development on the character and appearance of the area;
- 14.3.10** In terms of the bulk of the development and the proposed dwellings, the Inspector concluded the design and layout of the proposed development would broadly meet the Framework’s aims for achieving well-designed places as set out in section 12. She was also satisfied that there would be no significant conflict with policy S8 in relation to both the coalescence and openness aspects of the CPZ.
- 14.3.11** Due to a lack of information in terms of works to the access/visibility splays, works to the restricted by-way and proposed lighting requirements, the Inspector was not satisfied that there would not be unacceptable harm to the established character and appearance of the surrounding area and to the significance of Smiths Green Lane (Warish Hall Road), a protected lane and non-designated heritage asset.
- 14.3.12** • The effects of the development on the significance of designated and non-designated heritage assets; and
- 14.3.13** In regard to heritage assets the Inspector concluded *“having regard to the lack of direct interrelationship with Hollow Elm Cottage as a result of its separation by intervening land and a copse of trees, I would agree with the applicant that there would be no harmful effects arising from the*

proposed development on its wider rural setting, and that the heritage balance exercise in paragraph 202 of the Framework is therefore unnecessary”.

14.3.14 In regard to non-designated heritage assets, namely the protected lane, the Inspector concluded *“Matters of lighting, visibility splays and associated vegetation removal are matters which are capable of being resolved by conditions which require further details. However such details are fundamental to the effects of the development on both the character and appearance of the area and the significance of the lane as a non-designated heritage asset. I am unable to assess the scale of harm and weigh it against the need for the development, and as such there is conflict with Local Plan policy ENV9 relating to historic landscapes as well as paragraph 203 of the Framework”.*

14.3.15 The Smiths Green Conservation Area was still in development at the time of this S62a application, and so was not a consideration. As it has not been formally designated, this now forms part of the below assessment of this current S62a application.

14.3.16 • Effects of noise on the living conditions of future occupiers.

14.3.17 The Inspector concluded that she was satisfied that the effects of noise on the future occupiers of the proposed development would be acceptable subject to conditions as recommended by Environmental Health relating to a noise mitigation scheme for both habitable rooms and external amenity spaces.

14.4 B) Principle of Development

14.4.1 The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). A new Local Plan was released on the 11th November for Regulation 18 Preferred Options consultation. However, at such an early stage in the process, it carries negligible weight when considering the proposed development. As such the relevant saved policies contained within the Local Plan are the most relevant to the assessment of this application. Those of most relevance should be given due weight according to their degree of consistency with the NPPF under paragraph 219.

14.4.2 The 5-Year Housing Land Supply (5YHLS) figure has recently been updated to reflect the recent government update of the Housing Delivery Test (HDT). Paragraph 79(c) of the most recently published NPPF requires a 20% buffer to be added to the LPA’s housing requirement meaning that the current 5YHLS is now 4.50 years instead of the previously published 5.14 years. Additionally, 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.

- 14.4.3** The “Planning Balance” is undertaken further below in this report, but before doing so a wider assessment of the proposal has been undertaken against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.
- 14.4.4** The application site is located outside the development limits of Takeley within open countryside and is therefore located within the Countryside where policy S7 applies.
- 14.4.5** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.
- 14.4.6** It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy. This should be afforded weight in the planning balance.
- 14.4.7** Countryside Protection Zone
- 14.4.8** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies. Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside.
It would adversely affect the open characteristics of the zone.
- 14.4.9** Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the ‘protection’ afforded to the CPZ in Policy S8 is not the same as the Framework’s ‘recognition’.
- 14.4.10** The application site is currently agricultural land with planting around the boundaries and they therefore contributes to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in

Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport.

- 14.4.11** The conclusions of the Inspector in the previous S62a (ref. S62A/2023/0016) are a material consideration. In respect to part a) of Policy S8, the Inspector concluded: *“Given the proximity of the site to existing built development and the large areas of intervening open land between the site and the airport and having regard to the decision on the appeal scheme, I am satisfied that there would not be conflict with part a) of policy S8”*.
- 14.4.12** In respect to part b). the Inspector concluded: *“I do not consider that the open character of the area, and the aims of the policy as set out in supporting text paragraph 2.2.9 of the Local Plan, would be significantly compromised by the proposed development”*.
- 14.4.13** As the proposed development fundamentally remains unchanged, this is considered to remain relevant, and therefore the proposals are not considered to significantly conflict with Policy S8.
- 14.4.14** Loss of Agricultural Land
- 14.4.15** The site is designated as Grade 2 Agricultural Land. Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.
- 14.4.16** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.4.17** Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.4.18** In the previous S62a application (ref S62A/2023/0016) the Inspector concluded: *“The applicant’s Planning Statement indicates that the site is Grade 2 and is therefore classified as ‘best and most versatile’ (BMV) land, of which there would be a loss of around 2.3ha. The land is currently laid to grass and given its contained nature and awkward shape it is likely to be less suitable and accessible for large farm machinery. Nonetheless, the site represents a small proportion of the BMV land in the district as a whole and its loss would not be significant”*.

14.4.19 Suitability and Location

14.4.20 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

14.4.21 Takeley is identified within the Local Plan settlement hierarchy as being a “Key Rural Settlement.” Located on main transport network as well as there being local employment opportunities.

14.4.22 Although outside the ‘development limits’ of Takeley as designated by the Local Plan, the new built form would be constructed towards the northern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the site’s proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.4.23 Within the decision of application S62A/2023/0016, the Inspector concluded: *“the scale and location is broadly compatible with the Key Rural Settlement status of Takeley in the settlement hierarchy as defined in policy S3, having particular regard to its proximity to the existing settlement and local services”*.

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

14.5 C) Countryside Impact

14.5.1 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.

14.5.2 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.

14.5.3 Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed ‘profiles’ of Landscape Character Areas

within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

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

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

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

14.5.7 *"The site benefits from dense and mature screening to all boundaries including a heavily vegetated copse to the south west. I noted on my site visit that direct views of the site are restricted from most viewpoints, and that only limited glimpses are achievable from a few short-range locations where there are gaps in vegetation. The principal vista of the site is via the existing agricultural access onto Smiths Green Lane, and due to the limited width of the gap, the interior of the site can only be seen when directly passing. Whilst the trees and hedgerows were in full leaf on my summer site visit, I note that the LVIA was undertaken in winter and the visuals indicate a greater visibility of the site in short range views, albeit still of a filtered nature. The photographs indicate that wider public views into the site were still limited. Nonetheless, the existing pastoral nature of the site and its vegetated boundaries undoubtedly form a positive feature in the landscape of the area".*

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

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

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

14.6 D) Design and Lighting

14.6.1 Design

14.6.2 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.

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

14.6.4 The layout comprises a mix of attached, detached and semi-detached houses and bungalows. All of the proposed houses are provided with generous outdoor amenity space in the form of rear gardens, which have been designed to ensure they are not overlooked by neighbouring dwellings.

14.6.5 The general scale of the buildings would be two storey, other than the provision of bungalow dwellings at of 1 - 1½ storeys in height. The proposed dwellings would range from between approximately 5.5m and 10m from finished floor level to roof ridge level. The smaller, bungalow dwellings would be located to the southern edge of the site, closest to the neighbouring residential dwellings located on the southern side of Jacks Lane.

14.6.6 The proposed scale of the dwellings would appropriately reflect the context of the area and the surrounding buildings, whilst providing adequate reference to the local built form which comprises a mix of single and two storey dwellings.

- 14.6.7** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. The appearance of the proposed residential units has been informed by the development of the different character areas identified above. The proposed choice of materials will give a good variety of treatments across the site, which would enhance the setting of the development.
- 14.6.8** As the design of the scheme has not changed since the previous S62a application (S62A/2023/0016), the following comments made by the Inspector in their decision are a material consideration: *“It would appropriately include a mix of dwelling types and heights (including bungalows) and represent a relatively low density contemporary development, with a design which would not compete with either the historic core of the village nor the more recent developments. As such, I find the design, scale, form and layout of the dwellings to be acceptable and in general accordance with Local Plan policy GEN2”.*
- 14.6.9** Lighting
- 14.6.10** In the decision for the previous S62a (S62A/2023/0016), the Inspector stated: *“There is a historic absence of lighting in this area of Takeley, and as such there is potential for the appearance of the development to be more noticeable during hours of darkness. Lighting of the application site and the associated byway improvements would be required to meet Highway Authority requirements. However, there is an inherent conflict between the need for lighting for reasons of safety, and its potential effect on area character and appearance. There are also potential effects on biodiversity, including bats, the nearby Stansted Airport, and living conditions.*
- 14.6.11** The Inspector continues: *“The applicant has indicated that no street columns are proposed, and that it would be likely to comprise low level bollard type lighting as requested by ECC Place Services’ Ecological Consultant to reduce effects on bats. Such lighting would also be less harmful to area character. However, the Highway Authority indicated that their specifications may differ from this to meet safety and highway agreement requirements. The parties indicated at the hearing that an acceptable solution would be possible. Nonetheless without any lighting details before me, and the lack of detailed assessment in the LVIA, I am unconvinced that a lighting scheme should be agreed post-consent given that it forms a fundamental part of my considerations of effects on area character.*
- 14.6.12** The Inspector concludes: *“I am unconvinced that wider effects of the development and the associated byway improvements on landscape and visual character and appearance during hours of darkness have been adequately considered by the applicant. This is of particular importance given the historic lack of lighting in the vicinity of Jacks Lane and Smiths Green Lane. I am not persuaded that such matters should*

be left to a condition, and without an acceptable agreed lighting scheme there would be harm to the character and appearance of the area in conflict with policy GEN2 of the Local Plan”.

14.6.13 ECC Highways and ECC Place Services Ecology now consider an acceptable scheme is proposed in terms of highway safety and nature conservation.

14.6.14 Nevertheless, from in terms of impact on the character of the area, the introduction of lighting to the byway will have some detrimental impact on the currently unbuilt site.

14.7 **E) Residential Amenity**

14.7.1 Neighbouring Amenity

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

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

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

14.7.5 Standard of Accommodation

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

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

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

14.8 F) Heritage impacts and Archaeology

14.8.1 Designated Heritage Assets

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

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

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

14.8.4 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'.

14.8.5 Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

14.8.6 In the decision for the previous S62a application (S62A/2023/0016), the Inspector concluded: "*Having regard to the lack of direct interrelationship with Hollow Elm Cottage as a result of its separation by intervening land and a copse of trees, I would agree with the applicant that there would be no harmful effects arising from the proposed development on its wider*

rural setting, and that the heritage balance exercise in paragraph 202 of the Framework is therefore unnecessary”.

14.8.7 Non-designated heritage assets

14.8.8 In respect of non-designated heritage assets, paragraph 203 of the Framework requires effects on significance to be taken into account, and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset. Smiths Green Lane (also known as Warish Hall Road) is a protected lane and these are referred to in Local Plan policy ENV9 relating to historic landscapes. The policy states that development proposals likely to harm such landscapes will not be permitted unless the need for the development outweighs the historic significance of the site.

14.8.9 Its significance is derived from its historic context in the village of Takeley, its narrow width and wide unlit grassed verges without footways and limited street furniture. It is punctuated in numerous locations to provide access to dwellings which line the lane, and around its junction with Jacks Lane. The part of the lane along which the application site is located has narrower verges which are restricted by dense vegetation. The lane is very lightly trafficked, with a consequent a sense of tranquillity and rural character, notwithstanding the background noise arising from the nearby A120 and Stansted Airport. The contained nature of the application site means that only glimpses of the field are currently appreciable. The site makes a moderate contribution to the significance of the non-designated heritage asset, and this is largely due to its undeveloped and verdant nature.

14.8.10 The only part of the proposed development directly affecting the lane would be the single access road into the site, and this is proposed in the same location as the existing agricultural access. Here, there is a relatively small gap in the dense hedgerow boundary along Smiths Green Lane. The proposed access, together with the footway/cycleway link into the site, would be wider than the existing gap and involve a mass of hardstanding uncharacteristic of the lane.

14.8.11 In the decision for the previous S62a application (S62A/2023/0016), the Inspector raised concerns that there could be greater erosion of the village green and boundary vegetation than is indicated to allow for the visibility splays, resulting in harm to the significance of the Protected Lane as a non-designated heritage asset.

14.8.12 There was no clear plan submitted within the previous S62a that identified the work required to the proposed visibility splays, which lead to the Inspector’s uncertainties. However, as part of this application, a plan has been submitted that demonstrates there will be no significant removal of vegetation as part of the proposed vis splays. Additionally, detailed plans have been submitted for proposed access and it is now

considered that the protected lane will be protected from harms resulting from works to the proposed access.

14.8.13 Smiths Green Conservation Area

14.8.14 On the 2nd November 2023 the Council formally designated a new Smiths Green Conservation Area. Whilst the site does not sit within this area, or on the immediate boundary, it does sit within the setting and therefore impacts to the significance of the setting of the Conservation Area must now be assessed.

14.8.15 Paragraphs 206 and 207 of the NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably, acknowledging that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of an element which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

14.8.16 As part of application UTT/22/3126/FUL, the applicant submitted a Heritage Addendum which takes account of the newly designated Conservation Area. Place Services have been consulted and confirmed the following:

14.8.17 *“The proposed development of 40 houses and associated access road and hard and soft landscaping will be in proximity to the northern part of the Conservation Area and will appear in key views from the north into the Conservation Area from the Protected Lane and fields on the eastern side of the lane to the south of Parker’s Farm. The development will be conspicuous in the rural setting of the Conservation Area and have an urbanising effect on the general character of the setting, representing a change in land use, all with permanent effect”.*

14.8.18 Place services concluded that the proposal will cause a low level of less than substantial harm to the designated heritage asset in terms of the National Planning Policy Framework (NPPF 2023) making paragraph 202 relevant.

14.8.19 Archaeology

14.8.20 In terms of archaeology, policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out

before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

14.8.21 The application was formally consulted to Place Services Historic Environment, who note that the proposed development lies within an area of known archaeological potential. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by way of conditions, as suggested by the Place Services Historic Environment Consultant.

14.8.22 As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan.

14.9 G) Affordable Housing Mix and Tenure

14.9.1 Affordable Housing

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

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

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

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

14.9.6 Housing Mix

14.9.7 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

14.9.8 The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%

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

14.9.10 It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 2 bungalows across the whole site delivered.

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

14.10 **H) Access and Parking**

14.10.1 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.'

14.10.2 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.

14.10.3 The main access to the site would be via Smiths Green Lane, where there is an existing access / opening to the site. There would also be a pedestrian link from the site to the PROW located along the eastern

boundary to the site, and the proposal now includes the PROW within the red-line, with improvement works proposed.

- 14.10.4** Following the dismissal of S62A/2023/0019, additional information has been submitted in relation to the byway improvements required to ensure safe and suitable access for pedestrians and cyclists, in order to address the previous reasons for refusal.
- 14.10.5** This information in addition to the developer's engagement on this issue since the S62a/2023/0016 hearing has been welcomed by ECC Highways and they have now confirmed that they are satisfied there is an acceptable solution whereby the restricted byway can be improved enabling safe and suitable access for pedestrians and cyclists.
- 14.10.6** Responsibility for funding the maintenance required to ensure it remains safe and suitable for access for pedestrians and cyclists will fall to the developer, who has agreed to pay a commuted sum towards maintenance of the new surfacing and a commuted sum towards maintaining the new lighting columns. The developer has further agreed to maintain the vegetation along the restricted byway. These obligations will be secured in the S106 agreement.
- 14.10.7** ECC have confirmed that the layout detailed on the submitted masterplan would likely not be adoptable by the highway authority, and their comments are on the basis that it would remain private.
- 14.10.8** In terms of parking, the proposed development meets the requirements of ECC Highways and local plan policy GEN8.
- 14.10.9** Subject to conditions, it is considered that the proposal is acceptable in the context of policy GEN1 and GEN8 of the adopted local plan.

14.11 I) Nature Conservation and Trees

14.11.1 Nature Conservation

14.11.2 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.

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

- 14.11.4** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). Therefore, Natural England’s letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development. However, as this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 14.11.5** Following the refusal of the S62a application, ECC Place Services Ecology have been involved in extensive discussions with the applicant to provide comments on evolving proposals that look to address the reasons for refusal.
- 14.11.6** ECC Place Services have now confirmed that the Briefing Note (Ecology Solutions, February 2023) and additional ecology reports addressed most of their concerns from their previous response dated 13th February 2023. The Briefing Note (Ecology Solutions, May 2023) has also clarified that T13 in the Arboricultural Impact Assessment (Barton Hyett Associates, November 2022) and Arboricultural Impact Assessment (Addendum) (Barton Hyett Associates, February 2023), despite being described as having ‘vertical stem wounds’, is considered to have no potential to support roosting bats. The Lighting Impact Assessment Rev R3 (MMA Lighting Consultancy Ltd., December 2023) has also shown a reduced impact of proposed lighting on Jacks Lane and is now considered acceptable in relation to impacts to nocturnal animals.
- 14.11.7** They have therefore confirmed that they are now satisfied that there is sufficient ecological information available for determination of this application and raise no objection subject to securing biodiversity mitigation and enhancement measures by way of condition. The proposal is therefore considered to accord with Policy GEN7 of the Uttlesford Local Plan (2005).
- 14.11.8** Trees
- 14.11.9** The proposed development would result in the loss of 3 individual trees and small sections of hedging. It is noted that 2 of the trees are category B trees. However, these are required to facilitate the development and these losses would be mitigated by proposed new tree and hedge planting. Extensive planting of street trees is proposed throughout the development and will largely comprise of varieties of different species of indigenous trees.
- 14.11.10** In addition, the use of hedgerows and trees throughout the scheme to garden areas would off-set the loss of the proposed vegetation to be removed. A fully detailed scheme of protective measures for existing

vegetation to be retained would be recommended as a condition as part of any approval.

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

14.12 J) Climate Change

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

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

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

14.13 K) Air Quality and Contamination

14.13.1 An air quality assessment has been submitted as part of the application and the Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard, subject to the imposition of conditions. These would include appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment including during construction.

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

14.13.3 The Environmental Health Officer provided written advice of their findings concluding 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.

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

14.14 L) Flooding

14.14.1 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.

14.14.2 The Environmental Agency's website and the Council's policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

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

14.14.4 The submitted Flood Risk Assessment concludes that the site is at a low risk of flooding and the proposals would not increase flood risk onsite or elsewhere. The proposed SuDS strategy, including the use of permeable surfaces, would effectively manage the surface water runoff associated with the roof, roads and other impermeable areas, by using infiltration methods. Essex County Council who are the lead local flooding authority have reviewed the submitted revised details which accompanied the corresponding full application (UTT/22/3126/FUL) and do not object to the granting of planning permission subject to imposing appropriately worded conditions. Given the similarities between the two proposals, it is considered that issues of flood risk could also be dealt with adequately by way of conditions as part of this application.

14.14.5 The proposals, for this reason is therefore considered to comply with policy GEN3 of the adopted Local Plan and the NPPF.

14.15 M) Planning Obligations

14.15.1 Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the

Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.15.2**
- Provision of 40% affordable housing.
 - 25% of Affordable housing being First Homes
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
 - Sustainable Transport Contribution
 - Highways Improvements
 - Education Contribution
 - Public Library Contribution
 - NHS: Financial contribution of £93,024.00

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

16.1 Uttlesford District Council cannot demonstrate a 5-year housing land supply, and 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 40 dwellings making a minor contribution to maintaining the supply of housing locally.
- 16.5** The proposal would provide additional affordable housing at 40%. This would equate to 16 affordable homes.
- 16.6** The provision of public open space and a play area would also represent a social benefit of the scheme, along with the inclusion of a pedestrian link provision to Public Rights of Way.
- 16.7** The development would also provide economic benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration would also been given in respect to net gains for biodiversity.
- 16.8** Adverse impacts:
- 16.9** Some harm on the character and appearance of the area from proposed lighting to by-way.
- 16.10** Low level of less than substantial harm to the significance of the Smiths Green Conservation Area.
- 16.11** Neutral:
- 16.12** Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- 16.13** Landscaping plans indicate an intention to provide landscape features at the site to compensate for the loss of soft landscaping.
- 16.14** 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.

16.15 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 plan is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- (i) Provision of 40% affordable housing.
- (ii) 25% of Affordable housing being First Homes
- (iii) Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
- (iv) Sustainable Transport Contribution
- (v) Highways Improvements
- (vi) Education Contribution
- (vii) Public Library Contribution
- (viii) NHS: Financial contribution of £93,024.00
- (ix) Pay the Council's reasonable legal costs.
- (x) Pay the monitoring fee

17.3 CONDITIONS

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

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

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

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

3. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, October 2021), Ecology Update and Walkover Survey (Ecology Solutions, September 2022), Bat Survey Report (Ecology Solutions, November 2021) and Lighting Impact Assessment Rev R3 (MMA Lighting Consultancy Ltd., December 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). and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

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

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to the building without the express consent of the local planning authority. An aviation perspective Glint & Glare assessment may be needed.

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

PRIOR TO COMMENCEMENT CONDITIONS

6. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority, in consultation with the local highway authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a) construction vehicle access
 - 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) routing strategy for construction vehicles,
 - g) protection of public rights of way within or adjacent to the site,
 - h) 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 DM1 of the Highway Authority's Development Management Policies February 2011, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

7. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include the retained and adjacent Priority habitats.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

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

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

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

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

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

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

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

PRIOR TO ABOVE GROUND SLAB CONDITIONS

11. No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

12. A Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures, to include at least six bat boxes as compensation;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed compensation and enhancement measures (where applicable) by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the compensation and enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

PRIOR TO OCCUPATION CONDITIONS

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Aims and objectives of management.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - Details of the body or organisation responsible for implementation of the plan.
 - Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

14. Prior to occupation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details relating to the improvement of restricted byway 25 (Takeley 48) from Burgattes Road, to Jacks Lane and north to the proposed footway/cycle link forming part of the residential estate shown hatched purple on drawing no. WH202.WST.P1.ZZ.DR.PL.10.04. The improvement works should make the restricted byway suitable for regular, all-weather use by pedestrians, cyclists, equestrians and people with mobility impairment. The scheme shall include, but not be limited to, full depth construction, surfacing, lighting, drainage, signage, ditch crossing, measures to prevent use by motor vehicles and vegetation clearance. No occupation of any dwelling shall take place until the approved scheme is delivered entirely at the developer's expense.

REASON: to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

15. Prior to occupation of the development, the access as shown in principle on drawing no. WH202.WST.P1.ZZ.DR.PL.10.51 shall be provided entirely at the developer's expense, to include but not be limited to the following:
- the provision of a suitable bell-mouth access with appropriate radii to accommodate the swept path of vehicles regularly using the site access.
 - clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green Lane. Such 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, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

16. Prior to occupation of the development, the shared use footway/cycleway link shown on drawings no. 2951-LA-04_Rev_P02 and no. WH202.WST.P1.ZZ.DR.PL.10.04, or other such scheme as may be

agreed with the Local Planning Authority, in consultation with the highway authority, shall be provided to a width of 3.5 metres between restricted byway 25 (Takeley 48) (improved as above) and Smiths Green Lane.

REASON: to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

17. The development shall not be occupied until such time as the cycle parking provision as indicated on drawing no. WH202.WST.P1.ZZ.DR.PL.10.09 has been provided and this provision shall be retained in this form at all times.

REASON: to ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

18. The development shall not be occupied until such time as the vehicle parking areas as shown indicatively on drawing number WH202.WST.P1.ZZ.DR.PL.10.07 have been hard surfaced, sealed and marked out in parking bays. 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 and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

19. Prior to occupation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details relating to the maintenance of the improvement works detailed in draft condition 2 (Jacks Lane restricted byway 25 (Takeley 48) improvement works). The maintenance requirements will include a commuted sum for maintenance of the improved surfacing, a commuted sum for maintenance of the new lighting scheme and an obligation to maintain the vegetation around the lighting columns to ensure they effectively light the restricted byway.

REASON: to ensure safe and suitable access to key facilities for pedestrians and cyclists is maintained appropriately in accordance with policy DM1 and DM9 of the Development Management Policies as

adopted as County Council Supplementary Guidance in February 2011, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

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

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

21. Prior to occupation of the development, the provision of the following bus infrastructure entirely at the developer's expense:

- two bus stops on the B1256 in the vicinity of the junction with Smiths Green Lane (one westbound, one eastbound) which may comprise (but not be limited to) the following facilities: shelters, seating, raised kerbs, bus stop markings, flags, timetable casings and including any necessary alterations to and reinstatements of existing highways and statutory undertakers equipment and the provision of or alteration to street lighting road signs drainage structures traffic signals related accommodation and any other works normally associated with the construction of a highway or required as a result of ECC's inspections
- if bus shelters are installed as part of the above works, payment of commuted sum towards the future cleansing, maintenance and energy costs of £2,885.82 per bus shelter (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 policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

22. Sustainable Transport Contribution: prior to occupation of the development, payment of a financial contribution of £112,000 (index linked from the date of our initial recommendation on 2nd June 2023) shall be paid to fund improvements to enhance bus services between the development and local centres including Bishops Stortford , local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site and/or local bus infrastructure and/or the design and implementation of a cycle route between Takeley and Stansted Airport.

REASON: to improve the accessibility of the of the development by bus and cycle in accordance with policy DM9 of the Development

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

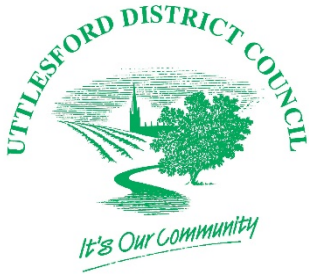
OTHER CONDITIONS

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

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

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

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.



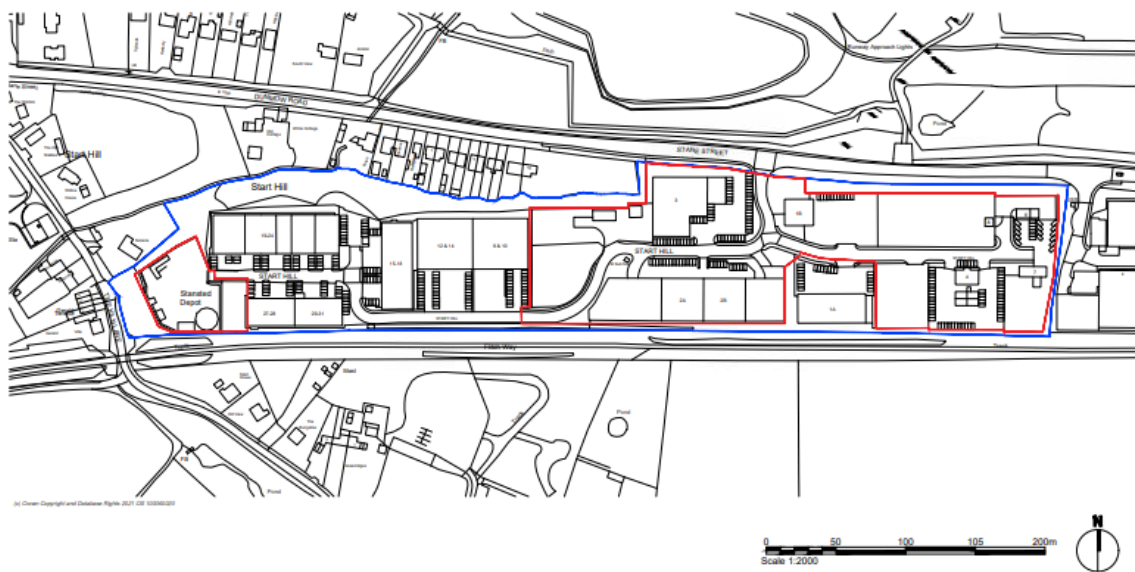
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/23/1470/OP

LOCATION: Stansted Distribution Centre, Start Hill, Great Hallingbury

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council

PROPOSAL: Outline planning application with all matters reserved for the demolition of units 1B, 2A, 2B, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for flexible commercial uses with realignment of internal access road, car parking, servicing yards, soft landscaping and other associated works.

APPLICANT: Ropemaker Properties Limited

AGENT: Daniella Marrocco

EXPIRY DATE: 18TH September 2023

EOT Expiry Date 12th January 2024

CASE OFFICER: Mrs Madeleine Jones

NOTATION: Outside Development Limits. Stansted Airport Public Safety Zone. Tree Preservation Orders. Archaeological Site. Contaminated Land. Within 500m of SSSI. Within 6km of Stansted Airport. Stansted Airport within 57dB 16hr LEQ
Within 250m of Landfill site. Within 100m of Local Wildlife Site (Fritch Way) . The Site is in proximity of the Heritage Assets.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 The proposal is for outline permission for demolition of units 1b, 2a, 2b, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for predominantly Class B8 use with supporting Classes E(g) and B2 use, car parking, servicing yards, soft landscaping and other associated works. All matters are reserved. The description has been changed to remove the words flexible commercial uses and have been replaced with Class B8 use with supporting Classes E(g) and B2 uses.

1.2 The application site is located to the south of the B1256 at Start Hill Great Hallingbury and comprises an employment site (Stansted Distribution Centre)

- 1.3 In terms of principle the proposed development is in accordance with the policies within the NPPF paragraph 85, and Uttlesford Local Plan Policies AIR7 and E2
- 1.4 It is considered that the impacts of the development do not adversely, nor would they significantly and demonstrably outweigh the benefits of the proposal in the planning balance.
- 1.5 The proposal would not result in an increase in the numbers of people residing working or congregating on the site within the Public Protection Zones beyond the current level, or if greater, the number authorised by any extant planning permission and is therefore in accordance with the Government Policy Paper (2021): Control of development in airport public safety zones.

2. **RECOMMENDATION**

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

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

And

If the freehold owner shall fail to enter into such an agreement, the Strategic Director 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 to the south of the B1256 at Start Hill Great Hallingbury and comprises an employment site (Stansted Distribution Centre). It is in close proximity to junction 8 of the M11.
- 3.2 The site is 3.74 Hectares and is rectangular in shape. The land levels of the site are higher than natural ground levels surrounding it.
- 3.3 There is an existing access serving the whole site onto the B1256.
- 3.4 Adjacent to the north of the site at the western end are residential properties. Adjacent to the east of the site are modern buildings for employment use approved in 2014. There are also residential properties to the northwest of the site.

3.5 Beyond the rear southern boundary is the Flich Way a County Wildlife Site and public right of way.

3.6 There are listed buildings close to the site.

3.7 To the north of the B1256 are bridleways 42 and 45 and part of the National Cycle Network route 16.

4. **PROPOSAL**

4.1 The proposal is for outline permission for demolition of units 1b, 2a, 2b, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for predominantly Class B8 use with supporting Classes E(g) and B2 use, car parking, servicing yards, soft landscaping and other associated works. All matters are reserved.

4.2 The Application Site will be divided into four development plots:

- Plot A – Maximum floor area of 1,620 sqm GEA. Suitable for up to 4 building which can be sub-divided, in Use Classes E(g)(iii), B2 and B8 with ancillary office accommodation.
- Plot B - Maximum floor area of 5,830 sqm GEA. Suitable for multiple building of various sizes (maximum 4,000 sqm GEA for single unit), in Use Class B8 with ancillary office accommodation.
- Plot C – Maximum floor area of 815 sqm GEA. Suitable for a small unit in Use Class B8 with ancillary office accommodation.
- Plot D – Maximum floor area of 4,935 sqm GEA. Suitable for single or multiple buildings in Use Class B8 with ancillary office accommodation.

4.3 The replacement buildings will comprise a maximum of 13,200 sqm GEA, providing a maximum of 21,173 sqm GEA commercial built floorspace in Use Classes E(g)(iii), B2 and B8 across the wider Stansted Distribution Centre site. Each new unit will have ancillary office space contained within the unit. No additional open storage space will be provided.

4.4 Proposed maximum buildings heights will comprise:

- Plot A – 10.5m
- Plot B – 12.5m
- Plot C – 10.5m
- Plot D – 13.5m

4.5 The table below shows the breakdown of the floorspace

4.6

	Existing (sqm GEA)	Proposed (sqm GEA)	Difference (sqm GEA)
Buildings	15,736	21,173	+5,437
Open Storage	9,282	0	-9,282
Total	25,018	21,173	-3,845

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
DUN/0293/71	Permanent permission for exiting office.	Approved with conditions
DUN/0401/72	Erection of storage building.	Approved with conditions
DUN/0441/70	Site for erection of storage building (Revoked 18-04-1973)	Approved with conditions
DUN/0508/65	Canteen additions	Refused
UTT/0004/97/AV	Erection of four internally illuminated signs and three flag poles.	Approved with conditions
UTT/0115/96/OP	Outline application for erection of warehousing/light industrial units. Construction of service road and regrading of land.	Refused
UTT/0018/97/FUL	Alteration to condition C.4.9. of UTT/0528/96/FUL relating to retention of hedge	Allowed at appeal
UTT/0119/07/CC	Change of use from Distribution Centre to a Highway Depot CC/UTT/07/07	Approved with conditions
UTT/0299/94/FUL	Change of use from warehousing to Class B1 Business (unit 2)	Approved with conditions
UTT/0342/12/FUL	Relocation of existing tyre store and erection of new portacabin (unit 1)	Approved with conditions
UTT/0474/09/FUL	Change of use from B1(C) offices to B1(A) offices and B8 storage & distribution (unit 14)	Approved with conditions
UTT/0527/96/FUL	Erection of 4 single-storey buildings for use as warehousing, vehicle distribution and servicing	Approved with conditions
UTT/0567/04/FUL	Removal of condition C.90F on planning application reference UTT/1515/03/FUL, B8 site, to allow 24 hour activity	Approved with conditions

UTT/0573/04/FUL	Variation of removal of condition C.90M to allow 24 hour activity on B8 site. (UTT/1641/02/FUL)	Approved conditions	with
UTT/0718/06/FUL	Change of use from vacant B1 use to car rental depot. Unit 18	Approved conditions	with
UTT/0759/99/FUL	Provision of mezzanine floor Unit 9-10	Approved conditions	with
UTT/0894/97/FUL	Erection of four units for vehicle renting including storage, preparation and valeting of rental vehicles	Approved conditions	with
UTT/1048/98/FUL	Erection of warehouse building and associated yard area	Approved conditions	with
UTT/1104/97/FUL	Formation of storage compound and erection of associated building	Approved conditions	with
UTT/1134/99/FUL	Erection of valet building	Approved conditions	with
UTT/1254/99/FUL	Erection of light industrial (Class B1 Business) building and associated car parking	Refused	
UTT/1426/04/FUL	Change of use in Warehouse development from B8 (Storage/Distribution) to B1 (Business Use/Light Industrial)	Approved conditions	with
UTT/1482/99/FUL	Installation of petrol tank and pump	Approved conditions	with
UTT/15/2891/FUL	Change of use from B1 to B2 (general industrial)	Approved conditions	with
UTT/1515/03/FUL	Erection of warehousing (use class B8)	Appeal withdrawn	
UTT/1534/03/FUL	Change of use to maintenance and repair of commercial motor vehicles (Class B2) Unit 2a	Approved conditions	with
UTT/1548/07/CC	Proposed erection of 9.32-metre-high Euro Dome building for the storage of salt, and single storey 24 x 9.6 metre porta cabin style offices and welfare facilities	Approved conditions	with
UTT/16/3468/FUL	Erection of a replacement wastewater treatment plant	Approved conditions	with
UTT/1641/02/FUL	Erection of building for B8 (warehouse) use.	Appeal withdrawn	

UTT/1821/03/FUL	Variation of condition C.90c attached to UTT/0528/96/FUL (limiting the land use and building hereby permitted)	Approved with conditions
UTT/2051/05/FUL	Proposed change of use from vacant BI use to car rental depot	Refuse
UTT/23/0597/SCO	Request for screening opinion for Outline planning permission for the redevelopment of parts of the existing industrial park. This will include the demolition of approximately 7,750sqm GEA built floorspace at Units 1b, 2a, 2b, 4, 6, 7 and 8 and redevelopment of 9,200sqm GEA of open storage. Overall, approximately 13,400sqm GEA flexible commercial floorspace in uses Class B2/B8/E(g)(i-iii) will be provided with associated car parking, servicing yards and soft landscaping.	Not EIA development
Other material decisions		
UTT/22/0434/OP Land North of Stansted Airport	Outline application for demolition of existing structures and redevelopment of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route and other associated works with matters of layout, scale, appearance and other landscaping reserved	Approved with conditions 9 th August 2023

UTT/22/0267/FUL Tilekiln Road	Creation of an open logistics facility with associated new access and ancillary office with amenity facilities	Refused
UTT/23/0950/PINS Tilekiln	62A/2023/0017 - Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities	Refused
UTT/20/1098/FUL Adjacent to site	15 dwellings including 6 affordable.	Allowed at appeal

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** UTT/22/1743/PA: Demolition of Employment Units 2A, 2B, 3, 4, 6, 7, 8 and ancillary structures and erection of 8 replacement units to provide 17,815sqm replacement B2/B8/(E(g)(i-iii) employment floorspace, together with realignment of existing access road.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1** From a highway and transportation perspective the impact of the proposal is acceptable to the highway authority subject to conditions.

8.1.2 Previous comments.

The applicant has now undertaken a Stage 1 Road Safety Audit which has resulted in changes to the external highway works proposed. The designer's response to the auditors' recommendations has resulted in an informal pedestrian crossing facility to the west of the site access whereby there is no refuge for pedestrians as they attempt to cross 2 lanes of traffic and central hatching to access the bus stop. The 85th percentile speeds are above the signed speed limit, making this movement even less inviting.

- 8.1.3** Our view is that a safe and suitable crossing facility with a refuge island across the B1256 to provide access to/from the eastbound bus stop for pedestrians is essential, we request that the applicant make the necessary changes to proposed highways layout (external) in order to provide this. We recognise that this may result in the southern footway no longer being able to be upgraded to a shared footway/cycleway – this would be acceptable to the highway authority, and may
a) allow more carriageway width for a refuge island to be provided and b) allow a narrower refuge island to be provided (as it would not be expected to be used by cyclists)

- 8.1.4** I note that Active Travel England responded to your request for consultation and noted that a signalised crossing would be required

across the B1256. Our view is that a signalised crossing is not necessary at this location, notwithstanding our aims to enhance the cycle network. We feel it would be best for a signalised crossing (preferably Pegasus, if deliverable) to be located where bridleway 42 (Great Hallingbury 20) meets bridleway 45 (Great Hallingbury 20) further east from the site. This is partly due to land ownership constraints restricting access to bridleway 42 further west, but also because this already forms part of National Cycle Network route 16.

8.1.5 We feel unable to justify asking the applicant to provide this connection as a result of this development. However, we would be willing to look into this with the applicant if they were so inclined as to explore providing a crossing facility.

8.1.6 As we also discussed, if the highway safety issue can be resolved, we are likely to recommend approval with the following conditions/obligations:
Contribution towards bus service enhancements
Contribution towards Flitch Way enhancements
Provision of new bus stops, and enhancement of existing bus stops – e.g. shelters, real time passenger information
Workplace travel plan (with monitoring)
Highway works – including provision of adequate visibility splays

8.2 National Highways

8.2.1 No objection. The development proposals will not have a material impact on the operation of the Strategic Road Network.

8.3 Local Flood Authority

8.3.1 No objections subject to conditions.

8.3.2 As part of the consultation, we have reviewed the following submitted documents:

- Revised Preliminary Risk Assessment prepared by Waterman Infrastructure & Environment Ltd., dated May 2023 (ref.: WIE19874-101-R-1-3-1-PRA);
- Flood Risk Assessment and Drainage Strategy prepared by Fairhurst, dated May 2023 (ref.: 153589-FAH-ZZ-XX-RP-C-03-01). In addition, we have also revisited information relating to the ground conditions submitted under planning application UTT/14/0138/FUL for a site adjacent east to the site with a similar use.

8.3.3 The proposed development site's current use as an industrial estate of mixed business use (comprising open storage, service yards, car parking and waste disposal associated with these uses) could potentially contain sources of contamination that could be mobilised and impact on controlled waters (specifically groundwater in the underlying Chalk Principal Aquifer) as a result of the proposed redevelopment of the site.

8.3.4 We also note that, based on the above information, and our own review of public records, that the western part of the proposed development is underlain by a historic landfill (WRC reference 1500/0043). Whilst this is considered within the Preliminary Risk Assessment, there is uncertainty regarding the extent and composition of the deposited wastes within the landfill and further investigation will be required to provide confidence that the ground conditions at the site, with respect to potential contaminants that could be present a risk to receptors associated with the site, are fully understood.

8.3.5 The proposed drainage strategy of the development has been reviewed and is deemed acceptable.

8.4 Environment Agency

8.4.1 No objection

8.5 Natural England

8.5.1 No objection.

9. Great Hallingbury Parish Council

9.1 Strongly oppose this application.

9.1.1 The current architecture of this site was optimally designed as a low profile development for two reasons:

- 1) For safety reasons being it is within the Public Safety Zone, in the footprint of Uttlesford Local Plan 2005 Policy AIR7 risk Contours, in the unlikely event of an aircraft in difficulty or coming down in this zone the likelihood and risks are minimised to occupants and infrastructure.
- 2) This is commercial development in a predominantly rural residential hamlet. Therefore, the building designs, heights and layouts were minimised to keep the setting, noise, disturbance and dynamics of a commercial development secluded to prevent overpowering/overbearing to the residential community and its rural setting. The proposed redevelopment contravenes Uttlesford Local Plan policy AIR7, the proposed is not a low-density development.

9.1.2 Also, Policy S7, this doesn't protect or enhance the countryside. Policy GEN2 Section H, this will have an overbearing effect on neighbouring properties i.e Nonane, Thatched Cottage, Start Hill no 10 and associated residents.

9.1.3 Policy GEN4 good Neighbours, this redevelopment will increase HGV movements along the B1256 and neighbouring villages, where will these HGVS go if the M11 or A120 are blocked/closed, any additional HGV movements will have an accumulative impact on an already overloaded section of the B1256.

- 9.1.4** Policy ENV2 and NPPF section 199,200 Listed buildings, this development will greatly impact the special characteristics and settings of 11 Grade 2 listed assets, it will severely impact on thatched Cottage, also impair the settings of the Old Elm, Lewismead, Great Hallingbury End, Thremhall Priory.
- 9.1.5** There is a current restriction on the business use of Stanstead Distribution Centre, Mon- fri 8am – 6pm, Sat 8am- 1pm and no business hours on Sundays, please see UTT/15/2891/FUL conditional approval. There is no mention of business hours in this application.
- 9.1.6** Great Hallingbury Parish Council also has concerns as to how wastewater treatment and collection will be processed as the development is not on mains drainage, current outfall into streams and rivers have signs of intense pollution from the increase in waste outfall use. Verges are overgrown and pathways are poorly maintained on an unlit fast 40mph stretch of the B1256, footfall to this site will be limited to the use of the motorcar.
- 9.1.7** Cycleways are significant to users from bishops Stortford unless cyclists are willing to cycle round the M11 JCN 8 in the road, there is no pedestrian access from Bishops Stortford
We welcome the approval of the Stansted North Industrial Development with its first phase due to be complete in 2024, this is 1 mile from this application site, with this we feel there is not a need to increase current commercial building stock in this area.
- 9.1.8** Great Hallingbury Parish Council are extremely disappointed that meetings have been allowed to go on with the developer.
It is of utmost importance that this application is discussed from now on in the public domain. We feel that matters have not been fully addressed in the meeting summary which has led to a last-minute amendment to this planning application.
Some serious matters need to be addressed for example the 24/7 change of use.
- 9.1.9** This application was scheduled for a committee decision. It would appear that the case officer has been consulting with the developer.
Is this standard practice?

9.2 Takeley Parish Council

- 9.2.1** Takeley Parish Council has recently been informed by a ward councillor about the proposals for this commercial development which will to increase HGV use of the B1256 Dunmow Road though the Takeley Four Ashes junction. The Parish Council is concerned about HGV use on the Four Ashes junction and the heavily congested roads approaching the junction and along Parsonage Road in Takeley. As the Four Ashes junction is over capacity, there has been a stark increase in HGV traffic and there has been a recent rise in road traffic accidents in Takeley, both

on the B1256 and in Parsonage Road, we request that Essex Highways ensures that an assessment is made to consider any restrictions that might be put in place or any road safety measures that could potentially be funded by a s106 contribution.

10. CONSULTEE RESPONSES

10.1 Active Travel England

10.1.1 Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

10.1.2 This is Active Travel England's (ATE) second response to this application. ATE has considered the submitted road safety audit, designer's response and revised plans for the access and pedestrian crossings. We have been in consultation with the planning and highway authorities. It is recognised that the topography of the site and the lack of highway land or land in control of the applicant make links for cyclists from the development to the wider cycle network which consist of the Flitch Way to the South and bridleway 42 (Hallingbury) to the north difficult to achieve in the short term. Therefore, it is appropriate for a contribution to be secured to improve the Flitch Way and links to it. ATE has no objection to the application provided the following are secured: By condition:

- Prior to first beneficial occupation highway works shown in principle on drawing number 23036/002 REVC shall be provided, this includes relocated and enhanced bus stops, footways widened to a minimum width of 2m, and two uncontrolled crossings with refuge islands, minimum widths of 2.3m (western crossing) and 2m (eastern crossing). Reason: To ensure appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and to provide safe and suitable access for all users in accordance with NPPF 110a and b.

10.1.3 By S106 agreement

- Prior to first beneficial occupation the workplace travel plan based on the Framework Plan submitted with this application shall be submitted to and approved by the Local Planning Authority, it shall include the following in relation to active travel, minimum walking and cycling targets, obligations for monitoring, travel plan co-ordinator, sustainable travel information and incentives and a remedial measures for unmet targets. If any of the proposed initiatives cannot be delivered resources should be diverted to other sustainable and active travel infrastructure or initiatives Reason: to provide an increase in accessibility of the development and a choice of modes for employees through implementation of a travel plan in accordance with NPPF 113.

- A contribution to local improvements to the Flitch Way, to facilitate such improvements as new surfacing, signing, drainage connections and crossings in the vicinity of the site, and/or the feasibility and design of strategic links to Bishop Stortford. Reason: to improve off road walking and cycling links in the vicinity of the development thus giving priority first to pedestrian and cycle movements in neighbouring areas for employees and local users of the network in accordance with NPPF 112 a.

10.2 UDC Environmental Health

- 10.2.1** I refer to the amended application additional information dated 2 August and would like to make the following supplementary comments, which should be read in conjunction with the Environmental Health comments dated 27 June 23.
- 10.2.2** Noise and odours impacts:
It is noted from the Planning Statement that the proposed B2, B8 and E (g) unit facades are located 36m from residential properties to the north, 9m from residential properties to the west and 40m from residential properties to the south.
- 10.2.3** The current application is not accompanied by a noise impact assessment, but the planning statement makes reference to service yards being visually and acoustically screened (3.15) and reducing overlooking with inward orientation and layout, landscape buffer to the boundaries (3.21).
- 10.2.4** There are also references to mitigation of odours (5.59, 5.60 fume cupboards etc and 5.65 ventilation plant working hours) as well as contaminated land investigation and mitigation measures (5.75) and air quality.
- 10.2.5** Whilst the applicant seeks 24/7 hours use it is not known based on the submitted information if there would be significant adverse noise impacts on neighbours from industrial and commercial operations and activities particularly at night and outside typical working hours.
- 10.2.6** Whilst it is acknowledged that the proposed development seeks to replace an existing warehouse/distribution use it is not clear if the proposed development would significantly increase impacts on neighbours. It is expected that more detailed information on noise and odour impacts would be available at the Reserved Matters application stage.
- 10.2.7** They recommend that a suitably qualified and competent acoustic consultant forms part of the design team in readiness of the reserved matters application to ensure that the site layout and location of delivery yards, plant, extraction equipment and other noisy activities are carefully considered and a Good Acoustic Design is achieved to minimise impacts on neighbours.

- 10.2.8** In addition to the conditions recommended in the Environmental Health comments dated 27 June 23, they would advise that the following conditions are attached to any permission granted;
- 10.2.9** Illuminated Signs:
1) Details of any illuminated signs to be installed on the site, including the design and illuminance levels shall be submitted to and approved in writing by the Local Planning Authority prior to the signs being brought into use. The signs shall be installed in accordance with the approved details.
- 10.2.10** The illuminated signs shall comply with the Institution of Lighting Engineers Professional Lighting Guide 05, The brightness of Illuminated Advertisements.
- 10.2.11** 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).
- 10.2.12** Industrial/Commercial Noise Impacts

Plant noise:
2) For each of the permitted commercial and industrial units hereby approved, prior to the installation of any plant, machinery or equipment the details of such shall be submitted to and approved in writing by the Local Planning Authority.
- 10.2.13** A noise impact assessment must also accompany the submission and include noise emissions from the equipment and mitigation measures to be incorporated. The sound levels shall be assessed in accordance with BS4142:2014+A1 2019 (Or latest equivalent version). The sound emitted must be measured (or calculated if measurement is not possible) at 1.0m from the facade of all residential premises to demonstrate that the sound emitted by the cumulative operation of all external building services plant and equipment hereby permitted does not exceed 5db below the background noise level at any time when the plant is operating. The noise survey must include reference to measured background noise level at monitoring locations and times agreed by the Local Planning Authority. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.
- 10.2.14** Any scheme of mitigation shall be implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter. Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or recommence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures have been implemented. The plant and

equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

- 10.2.15** 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).
- 10.2.16** 3) Within 3 months from the hereby approved permission, to establish background noise levels in vicinity of the development 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 noise sensitive properties. This shall be undertaken by a suitably competent person.
- 10.2.17** The noise sensitive property locations shall be submitted for written approval by the Local Planning Authority. The noise survey results shall be submitted for written approval of the representative background noise levels for each of the noise sensitive receptors at the reserved matters application stage.
- 10.2.18** Background noise levels shall be established for the following periods:
- Daytime 0700 to 1900
 - Evening 1900 to 2300
 - Night 2300 to 0700
- 10.2.19** 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). Post completion noise survey
- 10.2.20** 4) Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment rated noise levels are predicted to be in excess of 5 dB(A) above background noise levels a noise mitigation scheme shall be implemented.
- 10.2.21** 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)
- 10.2.22** Hours Of Operation:
5) Prior to the first occupation any of the individual non-residential units hereby permitted, details of the hours of operation shall be submitted to and approved in writing by the Local Planning

Authority. The non-residential units shall thereafter be occupied solely in accordance with the approved details.

- 10.2.23** 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).
- 10.2.24** Road Traffic Noise Impact:
6) No development shall take place until a scheme for protecting the existing noise sensitive premises from noise from road traffic changes resulting from the development, including increases in road traffic, changes to road layouts, roundabouts and new road crossings has been submitted to and approved in writing by the local planning authority.
- 10.2.25** The approved development shall not be brought into use until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.
- 10.2.26** 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).
- 10.2.27** Industrial/Commercial Operational Noise:
7) No development shall take place before a noise impact assessment and noise mitigation scheme for noise from all non-residential uses hereby approved (including industrial, commercial and manufacturing processes, mobile plant and equipment, loading and unloading of goods and materials and any other noise source associated with the use hereby permitted) has been submitted to, and approved in writing by the Local Planning Authority.
- 10.2.28** The approved scheme shall be implemented before the use/operation commences and be thereafter operated in accordance with the approved details.
- 10.2.29** 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).
- 10.2.30** Service Yard Management:
8) Prior to the commencement of development, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the service

yards. Thereafter the approved plan shall be implemented at all times.

- 10.2.31** 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).
- 10.2.32** Odour/Fumes Industrial/Commercial:
9) Prior to first occupation a scheme detailing all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with that uses/plot hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the use commencing and retained thereafter.
- 10.2.33** 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)
- 10.2.34** **Previous comments;**
- 10.2.35** Contaminated Land:
The site has been used for industrial purposes with infilled land etc. It is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. The applicant has submitted a Preliminary Risk Assessment Report WIE19874-101-R-1-3-1-PRA dated May 2023 and this service is in agreement with the findings and recommendations for further intrusive investigations in section 8.
- 10.2.36** I would recommend that the following conditions are attached to any planning consent granted for the outline application as proposed:
- 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.
 - Prior to occupation the effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

- If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority 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.

10.2.37 Noise:

To prevent noise from associated plant and equipment causing a disturbance to nearby residents, the following condition is requested:

Noise arising from the operation of any plant/mechanical equipment (including air conditioning, fans, ducting and external openings associated with the use hereby permitted) shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of the latest version of BS4142

10.2.38 Odours:

The final proposal may include commercial kitchens and units that require fume extraction which could lead to odour complaints from nearby residents if not mitigated adequately, therefore this service recommends the following condition:

- Prior to installation, details of any equipment required for the extraction of fumes and/or odours shall be submitted to and approved by the local planning authority in writing prior to installation. The details submitted shall include specifications of all fans, odour control and outlet height and location, acoustic performance, and a maintenance schedule. Thereafter the equipment shall be implemented in accordance with the approved details.

10.2.39 Air Quality:

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.

10.2.40 Construction Impacts:

This development has the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:

No development shall take place 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.

10.2.41 External Lighting:

It is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare. The following condition is therefore recommended to secure this:

- 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.

10.3 UDC Landscape Officer/Arborist

10.3.1 The proposed development would necessitate the removal of some 33 trees and 6 groups of trees, together with the pruning of others including mature oak trees. The trees shown to be removed are assessed as being of low value, and the pruning works sustainable.

10.3.2 The proposed Landscape Framework Strategy is considered appropriate. The development would have negligible impact on the wider landscape.

10.3.3 Any planning permission should be subject to conditions including the submission for approval of fully detailed soft and hard landscaping, existing ground levels and proposed slab levels, external lighting, details of boundary enclosure walls/fencing, protective measures for existing vegetation to be retained.

10.4 Place Services (Conservation and Heritage)

10.4.1 A formal heritage assessment has not been provided; however brief reference is made to the local designated heritage sites within the Planning Statement. To satisfy the requirements of Section 16 paragraph 189 of the NPPF, a Heritage Statement should be provided that adequately assesses the significance of the existing heritage assets, and how the proposed development will affect them.

10.4.2 It is understood that the site is currently in use for industrial/ commercial purposes however further details are required to show an understanding of the area and context mentioned in 2.10 of the Planning Statement. A plan to show the maximum proposed building heights has been provided, but no contextual images to show the massing (to scale) as seen from Dunmow Road is provided for review.

10.4.3 The proposed scale of the Plot D block does not reflect the existing scale of the units in that section of the site, which is in proximity of The Thatched Cottage (refer to Section 3.0 for listing details).

10.4.4 The Landscape and Visual Impact assessment is a useful study however it would be beneficial for a similar study to be carried out with a focus on the heritage assets, and to confirm how the proposed development will be screened behind the existing vegetation as noted in 5.32 of the Planning

Statement. Vegetation screening should be considered throughout the course of the year as the seasons change. The application makes several references to minimal impact to surrounding buildings, however there is little evidence to justify these statements.

10.4.5 Further details are required to allow review of the character, massing, scale and design. Proposals should be illustrated in context to show the actual impact the proposed massing would have on the low density housing that surrounds the site, with a particular focus on the designated heritage assets outlined in Section 3.0.

10.4.6 Based on the existing use of the site and principles set out within the Outline Planning application, UDC Heritage and Conservation supports the principle of the proposal, subject to further details being provided on the character, scale, massing, and design of the proposed units indicated on the masterplan.

10.4.7 If consent is to be granted, please find enclosed an adjusted condition for attachment with regard to heritage and conservation. Prior to or concurrent with the submission of the Reserved Matters application for the development, a design assessment that details the scale, layout, and massing of the proposal within context of the surrounding designated and non-designated heritage assets should be provided.

10.4.8 Reason:
To clarify the impact of the proposed development on the Flich Way and designated heritage assets within proximity of the site.

10.5 Place Services (Ecology)

10.5.1 Recommended Approval subject to attached conditions.

10.5.2 We have reviewed the submitted documents, including the countersigned Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate from Natural England dated 5th December 2023, Biodiversity Validation Checklist, Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023), Biodiversity Net Gain Assessment Report (Applied Ecology Ltd., June 2023), Biodiversity Metric Calculation Tool, Arboricultural Implications Report (SJA Trees, May 2023) Existing Site Plan, drawing no. PL002 (PRC, February 2023) and Indicative Masterplan, drawing no. PL007 Rev A (PRC, February 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. We are now satisfied that there is sufficient ecological information available for determination of this application.

10.5.3 The mitigation measures identified in the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and

enhance protected and Priority species particularly those recorded in the locality.

10.5.4 An Impact Assessment & Conservation Payment Certificate Countersigned by Natural England has been submitted for the application site. This gives the LPA certainty that the proposed application will be accepted onto Natural England's District Level Licensing (DLL) scheme in Essex. The submission of a copy of the DLL Licence issued by Natural England should be secured by a condition of any consent concurrent with reserved matters.

10.5.5 The Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) states that the vegetated northern and southern boundaries of the site could be valuable for commuting and foraging bats. This is particularly important at this site given the southern boundary is adjacent the Flitch Way Local Wildlife Site (LoWS) and Local Nature Reserve (LNR) and is close to and connected to Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) and local records include light adverse species such as long-eared bats, *Barbastelle* and *Myotis* sp. To avoid impacting light sensitive nocturnal animals such as bats, the applicant is advised that any new external lighting will need to be installed in line with the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). This lighting scheme should be secured by a condition of any consent concurrent with reserved matters.

10.5.6 In summary:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700K. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'

10.5.7 Given the site is in close proximity to Flitch Way LoWS and LNR as well as Priority woodland habitat, it is recommended that methods to protect these designated sites and habitats during the construction phase from impacts such as pollution, dust and impacts within the Root Protection Area are outlined in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). This CEMP: Biodiversity should be secured by a condition of any consent concurrent with reserved matters.

10.5.8 It is also noted that the Biodiversity Metric Calculation Tool does not satisfy the trading rules given the loss of trees onsite. Achieving a

measurable net gain in biodiversity using the DEFRA Biodiversity Metric is not yet mandatory for planning applications. However, it is recommended that additional tree planting occurs at the site or is secured offsite. A finalised Biodiversity Net Gain Design Stage Report should be secured by a condition of any consent concurrent with reserved matters, detailing how a measurable net gain in biodiversity will be achieved at the site using the DEFRA Biodiversity Metric 4.0, or any successor

10.5.9 We support the proposed reasonable biodiversity enhancements including the installation of integrated bird and bat boxes and the use of wildlife friendly planting onsite, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

10.5.10 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013

10.5.11 They recommend approval subject to conditions.

10.6 Crime Prevention Officer

10.6.1 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 detailed lighting plan, 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 Commercial 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

10.7 MAG Aerodrome Safeguarding

10.7.1 No objections subject to conditions

10.8 NATS safeguarding

10.8.1 No objection in principle to this outline planning application but would like to be kept informed as the development matures and final building designs become available. We operate a number of pieces of equipment at Stansted Airport some of which, namely the Secondary Surveillance Radar and Instrument Landing System in this case, have the potential to

be degraded by the construction of the wrong sort of building at this location

10.9 UDC Economic Development

10.9.1 This application is supported from an Economic Development perspective. The Employment Needs and Economic Development Evidence 2021 highlighted that small industrial units, <10,000 sq.m, are in high demand in Uttlesford with demand outstripping supply. The size of the units will appeal to micro and small businesses which make up the majority of our business community

10.9.2 3rd November 2023
The Employment needs and economic development evidence (November 2021) commissioned for the new Local Plan identified a lack of industrial supply in the district with a 98% occupancy level within the industrial market. Demand outstrips supply and there is a need to bring forward new development. According to local agents the demand is acute within a 10 mile radius of the Airport.

10.9.3 There is demand for industrial space in a range of small, medium and large size bands across the District including from established manufacturing businesses in the District. Additional supply is needed, particularly close to M11 Junction 8, which is the area of strongest occupier demand. Demand exists for smaller rural premises across the district and around the smaller towns and villages

10.9.4 The report identifies a strong need for small industrial units. This need is not satisfied by the units proposed on the Northside development which are on a larger scale.

10.9.5 The Economic Baseline study (2022) conducted as part of the North Essex Economic Board's 5 year economic strategy noted that the third highest grossing sector in Uttlesford was Transportation and Storage with a value of £222m pa. The sector has the highest levels of employment across all sectors with 19.6% of total employment (Employment needs and economic development evidence for the new local plan).

10.10 Essex Bridleways Association

10.10.1 I am the Uttlesford area representative of Essex Bridleways Association and the secretary of Flitch Way Action Group, registered charities dedicated to developing and preserving safe off-road routes for horse riders, walkers and cyclists. The Flitch Way Action Group is working to reconnect the separated sections of the Flitch Way through Dunmow and to create safe off road routes from the severed end of the Flitch Way at Start Hill into Bishop's Stortford. The Flitch Way is a designated local wildlife site and nature reserve: a haven for flora and fauna and a valued resource for people to enjoy the peace and tranquillity of the Essex countryside. Linking the severed sections will deliver a safe sustainable

route of over 15 miles both for leisure and for walking and cycling to school and work.

- 10.10.2** I object to this application. The Flitch Way borders the southern boundary of the site. The site is visible from the Flitch Way. To make this application acceptable I ask that the width of the buffer zone and landscaping between the site and the Flitch Way and any access to the Flitch Way from the site be agreed with the Essex Country Park Rangers who manage the Flitch Way.
- 10.10.3** The applicant's Framework Travel Plan prioritises cycling and pedestrian travel stating that "most of Bishop's Stortford, Birchanger, Stansted Airport, Takeley are all within cycling distance of the site" and that local roads are safe for cyclists to ride. It is true that the Flitch Way provides a safe sustainable route from Takeley to the site. However, there is no safe direct route from Bishop's Stortford. The B1256 (the old A120) is the "main" local road. It is not a pleasant road to cycle: too fast, too narrow. It's very unusual to see anyone on a bicycle. It merges with the A120 on the M11 Junction 8 roundabout west of the site. This roundabout is neither walkable nor cyclable and consequently there is at present no possibility of walking or cycling to and from the site via the direct route from Stortford. The Travel Plan suggests an indirect mostly off -road route into Stortford via Birchanger. Realistically working people travelling to and from Bishop's Stortford need a direct route to and from the site. There is potential for a safe direct off-road route from the end of the Flitch Way which currently terminates at Start Hill, a short distance west of the application site, via rights of way and field tracks and the tunnel under the M11 south of Junction 8. Funds are needed to create the route and to construct a ramp and small bridge where the Flitch Way currently ends. If this application is allowed, I ask for permission to be given conditional upon the requirement that: within 6 months of work commencing on the site or within 6 months of the grant of permission whichever is soonest,
- 10.10.4** The applicant contributes a sum (the amount to be agreed with ECC and UDC) to the costs of creating a safe route from Start Hill to Bishop's Stortford for all non-motorised users so as to make the site accessible on foot and bicycle not just from Takeley but also from Stortford.
- 10.10.5** The applicant provides a buffer zone of a minimum of 20 metres and preferably more between the Flitch Way and the site, to be landscaped as advised by Essex Country Park Rangers.
- 10.10.6** The applicant contributes to the cost of maintaining the surface of the Flitch Way.
- 10.10.7** The applicant provides visitor parking provision for people wishing to use the Flitch Way.
- 10.11 Friends of Flitch Way**

- 10.11.1** I am writing on behalf of the Friends of the Flitch Way and Associated Woodlands. Our volunteers work for the benefit of the community to conserve, protect and improve the physical and natural environment of the Flitch Way and other sites throughout Essex under the guidance of Essex County Council (ECC) Park Rangers and Public Rights of Way teams.
- 10.11.2** The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).
- 10.11.3** The Flitch Way provides an easily accessible multi-user path, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about the wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Site reference Ufd196 and has recently been designated a Local Nature Reserve by English Nature see <https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1481633&SiteName=flitch&countyCode=&responsiblePerson=&&SeaArea=&IFCAArea=>.
- 10.11.4** It carries a bridleway along most of its length and is a popular and much loved greenway with over 70 access points, giving walkers, cyclists and equestrians access to the beautiful countryside of north west Essex. Part of what makes the Flitch Way so special is the surrounding rural landscape. It is under increasing pressure from development, and proposals like this will change its character forever. In the last few years there have been applications to build around 6,000 houses or commercial development across 30 sites directly adjacent to the Flitch Way. To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused, as not enough consideration has been taken of the impact it would have on the character and appearance of the Flitch Way, wildflowers and wildlife. I could find no acknowledgement of the Local Nature Reserve designation in the application nor the importance of the Flitch Way to the green infrastructure of Uttlesford. Greenspaces in Uttlesford are in high demand and should be protected for the health and well-being of residents. The proposed development site as seen from the Flitch Way, would have an impact with some of the buildings exceeding heights of 10m directly adjacent to the Flitch Way.
- 10.11.5** I would draw your attention to two recent Planning Appeals. The first was to build 1500 houses on Land North and South of the Flitch Way in

Braintree District, reference APP/Z1510/W/18/3197293. On 13 June 2019, the Secretary of State agreed with the Planning Inspector's conclusions and recommendation and dismissed the Appeal. One of the key reasons quoted was "that the proposal would cause harm to the character and appearance of the area, including a residual effect of major-moderate significance in the wider Landscape Character Area A12, and a substantial adverse effect arising from the loss of the appeal site itself. The Secretary of State further agrees with the Inspector that the loss of views and open outlook from the Flitch Way and the public footpaths crossing parcel B would both suffer a major adverse impact. Taken together, these harms attract considerable weight."

10.11.6 A second Planning Appeal nearby to build 135 houses on Land west of Canfield Road, reference APP/C1570/W/18/3213251 was dismissed on 8 August 2019. I ask you to look in particular at point 21 in the Character and Appearance section which was one of the main issues quoted in the statement. The inspector also highlights in points 24 and 25:

- "24. In part this is due to a further defining feature, the Flitch Way, which lies immediately to the north of the site. The Flitch Way is clearly an important public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site and its informal surfacing, well-treed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge. 25. I accept it is not an open countryside feature along its entire length, and in places there is development close to the northern edge, but it is an important refuge from the growing urban centres and provides easily accessible countryside experiences and access to important features such as Hatfield Forest."

10.11.7 For these reasons the Friends of the Flitch Way are objecting. If, however, the planning is successful, we ask for the following to be taken into account to lessen the damage and make a positive contribution to the local community, especially given the emphasis on cycling and sustainability mentioned in the application:

1. Buffer zone alongside the Flitch Way - The preferred buffer zone between the Flitch Way and proposed development should be at least 20 metres wide and ideally be 100 metres wide. Currently the Design and Access Statement includes a buffer zone of varying depths. Any buffer zone should be landscaped sensitively and be attuned to the specific habitat of this section of the Flitch Way. Having a wide buffer zone next to the Flitch Way boundary along with the installation of secure boundary fencing would help to mitigate habitat damage. It is essential to maintain good light access to maintain as diverse a range

of wildlife as possible. Any planting schemes should be agreed with Essex Country Park Rangers.

2. Pedestrian, cyclist and equestrian access - Any access on to the Flitch Way to support sustainable travel should be agreed with ECC park rangers and be accessible to non-motorised users.
3. The Travel Plan dated May 2023, included with the planning application indicates that both Bishops Stortford and Takeley are within cycling distance of the site. The Flitch Way currently terminates at Start Hill and is not connected to Bishops Stortford by a safe direct cycle route. Only Takeley can be accessed by a traffic free route. A safe route connecting the Flitch Way to Bishops Stortford could be created using the tunnel or bridge to cross the M11 to the south of the present site and this is under investigation.
4. Flitch Way Visitor Car Parking - The Flitch Way is popular with many local residents across Uttlesford. If planning is approved we would also like to see visitor car parking included within the development so people, particularly vulnerable users such as children, inexperienced cyclists and mobility users, can enjoy the Flitch Way safely.
5. There is the potential for a new access path to be created to the south of the site providing the Flitch Way Park Rangers are in agreement.
6. S106 Contribution to the establishment of a non-motorised multi-user path into Bishops Stortford from the Flitch Way (payable on completion of the first phase) and a contribution to the ongoing maintenance of the Flitch Way.

10.11.8 Having commented previously on behalf of Flitch Way Action Group I wish to add comments in my capacity as Uttlesford Area Representative of Essex Bridleways Association, a registered charity dedicated to the preservation and development of bridleways in Essex. I object to this application in its current form for failing to acknowledge and provide for the safety of horse riders. The Flitch Way bridleway passing to the south of the site is a valuable resource for horse riders, providing many miles of safe off-road riding on an all-weather surface. It also connects via Great Hallingbury Bridleway 45 and Bridleway 42 with rights of way north of the B1256. There are proposals in recent planning documents to improve "Footpath 42" and "Footpath 43" for cyclists and pedestrians. "Footpath 42" is not a footpath. It is a bridleway. So far as I can tell "Footpath 43" doesn't exist. Is this a reference to Bridleway 45: the bridleway that links the Flitch Way to the B1256? There has been no acknowledgement in any of the planning documents of the necessity either to accommodate horse riders in any proposed crossing of the B1256 or of the importance of ensuring that any improvement to these rights of way meets the requirements as to width, surface materials etc of equestrians. It is regrettable (and arguably discriminatory given that most horse riders are female), that the impact on horse riders in planning applications that are

likely to adversely affect them is almost always disregarded by applicants and their advisers. It is vital that the safety of horse riders should not be compromised by any "improvements" to the rights of way and any crossing of the B1256. The crossing should ideally be a Pegasus crossing. If that cannot be achieved the crossing should at least be suitable for ALL users: walkers, horse riders and cyclists. I ask that there should be horse and rider warning signs on the B1256 approaches to the crossing to alert road users to the need to slow down and look out for riders and that any changes to the surface of the Bridleways 45 and 42 comply with BHS guidance i.e. not tarmac.

10.12 Cycle Stortford

10.12.1 I am one of the Coordinators of Cycle Stortford, a community group dedicated to developing safe active travel routes for cyclists (and horse riders, walkers, and users of mobility vehicles) in and around Bishop's Stortford. One of our key initial objectives is to achieve a direct connection for cyclists and other users from the severed western end of the Flich Way at Start Hill into Bishop's Stortford. Providing this link will deliver a safe sustainable route of over 15 miles, for leisure and journeys for school and work in Bishop's Stortford.

10.12.2 Cycle Stortford is seeking to embed this route into the East Hertfordshire LCWIP, the development process for which is now underway. We understand that Uttlesford DC and Essex CC are also investigating initiatives to enhance the connectivity and amenity value of The Flich Way. Cycle Stortford contends that the new 'commercial units' at the site will generate journeys to work between Bishop's Stortford and the site, and customer demand for similar journeys.

10.12.3 The applicant's Framework Travel Plan seeks to prioritise cycling and pedestrian travel in line with local government policy by stating that "most of Bishop's Stortford, Birchanger, Stansted Airport, Takeley are all within cycling distance of the site" and that local roads are safe for cyclists to ride.

10.12.4 This is true for the Flich Way from Takeley to the site, but there is currently no safe direct route from Bishop's Stortford. The B1256 (the old A120) is the "main" local road for access to the site, and from Bishop's Stortford to reach this road requires navigation of the M11 Junction 8 roundabout west of the site. This roundabout is unsafe for cyclists and pedestrians, and consequently there is at present no possibility of walking or cycling to and from the site via this direct route from Stortford. The Travel Plan also proposes the indirect, mostly off -road, route into Stortford via Birchanger.

10.12.5 Although part of Sustrans NCR16, this route is narrow, unsurfaced, and unlit, and there is no safe provision for cyclists between Birchanger and Bishop's Stortford. Realistically, working people or customers travelling to and from Bishop's Stortford will not use this route.

10.12.6 Therefore, Cycle Stortford is advocating a direct route to and from the site. There is potential for a safe off-road route from the current end of the Flitch Way at Start Hill, a short distance west of the application site, via rights of way and field tracks, and the existing tunnel under the M11 south of Junction 8. Upgraded footpaths and existing cycle paths will provide links into the centre of Bishop's Stortford. Funds are needed to install the route infrastructure, including a ramp and small bridge where the Flitch Way currently ends.

10.12.7 If this application is allowed, we ask for planning permission to be conditional upon the requirement that (within 6 months of work commencing on the site or within 6 months of the grant of permission, whichever is soonest) the Applicant contributes a sum (the amount to be agreed with ECC and UDC) to the costs of creating a safe route as outlined above from Start Hill to Bishop's Stortford. This route should be suitable for all non-motorised users, so as to make the site accessible on foot and bicycle not just from Takeley but also from Bishop's Stortford. Following consultation, we understand that Sustrans also support this proposal as a missing link in their National Cycle Route network.

10.13 Thames Water

10.13.1 As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://protecteu.mimecast.com/s/tnRSCQWnzT60KxtxN41Y?domain=thameswater.co.uk> Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

10.14 HSE

10.14.1 This application does not fall within any HSE consultation zones.

10.15 Cadent Gas

14.15.1 We have no objection to this proposal from a planning perspective,

10.16 UK Power Networks

10.16.1 Should the excavations affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact UK Power Networks

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and notifications letters were sent to 183 nearby properties.

11.2 Support

11.2.1 No representations have been received in support of the application.

11.3 Object (including a representation from Great Hallingbury Neighbours Association) summary of issues raised.

- 11.3.1**
- Noise and pollution
 - Impact on listed building character and setting
 - Overpowering development
 - Would be totally out of keeping with this rural area
 - Overdevelopment
 - Unacceptable business hours
 - Cycle routes are extremely muddy and unpassable during the winter with no lighting and overgrown in the summer
 - Highway safety- No pedestrian crossing, no street lighting and pathways are overgrown. Excessive traffic
 - Buses run at a frequency of 1 an hour in each direction, these are frequently cancelled in winter conditions and can't be relied upon. Bus stops are just a post with no shelters available.
 - Impact on aircraft safety
 - Increase in occupants within the Public Safety zone.
 - The current risk contour areas are utilised with mainly car parking, car rental and vehicle storage
 - Unacceptable increase of HGV's
 - Overbearing impact on residential dwellings
 - Inadequate drainage
 - Inadequate water and sewage supplies
 - Overshadowing and lack of light
 - Several trees have been removed from outside of the Audi garage
 - Impact on biodiversity – Flitch way and Hatfield Forest
 - Workers from the site park in Tilekiln Lane leaving their cars on the road verge
 - Contrary to CPZ policy

11.3.2 The Pochins site is adjacent to Tilekiln Green Lane. The Pochins site entrance was stopped up in 2005. This must be retained, to keep the buffer between residential properties and the distribution centre

11.3.3 Should the application be approved a construction management plan should be in place. Many of the developments in the area are working 7 days a week and all hours. This is not acceptable as local residents deserve some respite from noise and dust.

11.3.4 The Flitch Way is not suitable as regular commuting route, nor should it be allowed to develop into one. It is a recreational area and wildlife corridor.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 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)
Ashdon Neighbourhood Plan (made 6th December 2022)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)

Great and Little Chesterford Neighbourhood Plan (made 2nd February 2023)
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 and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (December 2023)

13.2 Uttlesford District Plan 2005

S3 – Other settlements Boundaries
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
ENV2 - Development affecting Listed Buildings Policy
ENV3 - Open Space and Trees, Policy
ENV4 - Ancient monuments and Sites of Archaeological Importance Policy
ENV10 -Noise Sensitive Development, Policy
ENV13 - Exposure to Poor Air Quality Policy
ENV14 - Contaminated Land
AIR7 – Public Safety Zones
Start Hill Local Policy 1

13.3 State name of relevant Neighbourhood Plan in this title

N/A

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)

The Town and Country Planning (Safeguarded Aerodromes, technical sites and military explosives storage areas) direction 2002 updated 22nd December 2016.

Control of Development in airport public safety zones updated 8 th October 2021.

Uttlesford Employment Needs September 2023

Flightpath to the future a strategic framework for the aviation sector 2022

Aviation Policy Framework 2013

Control of Development in Airport Public Safety zones DfT circular 01/2010

14. CONSIDERATIONS AND ASSESSMENT

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

- A) Principle of development**
- B) Design of the proposals and the impact on neighbour's amenity**
- C) Heritage and Archaeology**
- D) Biodiversity**
- E) Highways – parking and access**
- F) Contamination**
- G) Flooding and drainage**
- H) Climate change**

14.2 A) Principle of development

14.2.1 The site lies within an existing industrial estate which is safeguarded as employment land within the local plan under policy E2. A need to secure the long term viability of this employment site is supported.

14.2.2 The policy E2 seeks to protect the site from market pressures to ensure that there continues to be employment opportunities locally across Uttlesford. The proposed use is for employment use and therefore complies with policy E2.

14.2.3 The site also falls under Uttlesford Local Plan Policy Start Hill Policy 1. This relates to the existing Stansted distribution Centre. This land is allocated in order to provide scope for employment uses falling mainly within Class B1 light industrial, offices or research and development facilities and class B8, warehousing. It further states that landscaping will be required to protect the amenity of the neighbouring residential properties. Access to the site should be gained through the existing estate. The policy states that the site (the application site) is proposed as an employment site for uses falling within classes B1 and B8.

14.2.4 Paragraph 85 of the NPPF states that Planning Policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business

needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

14.2.5 Paragraph 87 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data driven, creative or high technology industries and for storage and distribution operations at a variety of scales and in suitably accessible locations.

14.2.6 Paragraph 88 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed, beautiful new buildings.

14.2.7 Part of the application site falls under Uttlesford Local Plan Policy AIR7 which states:

- Aircraft can take off from and land on Stansted's single runway in either direction. At each runway threshold the Department of the Environment, Transport and the Regions maintains a Public Safety Zone. The policy in relation to the Zones is set out in the Department for Transport Circular 1/2002. Two risk contours are shown on the proposals maps based on forecasts about the numbers and types of aircraft movements in 2015. The 1:100,000 contour reflects the zone where the theoretical risk of an individual residing permanently being killed by an aircraft is greater than 1:100,000. Within the 1:10,000 contour this theoretical risk is increased and very few uses involving a very low density of people coming and going within it will be accepted.
- The site already has employment use throughout the site. Local Policy advice is that this site should be retained as a key employment site suitable for Business Uses in Class E, B2 and B8 and employment-generating sui generis uses.

14.2.8 Part of the site is located within the Public Safety Zone of Stansted Airport. These are end of runway areas. Development within PSZs is restricted so as to control the number of people on the ground at risk of death or injury should an aircraft accident occur during take off or landing.

14.2.9 The Government policy paper control of development in airport public safety zones 2021 states that Local planning authorities need to carry out risk assessments in determining the use of land for sites within PSZs unless they are following either the:

- general presumption Or
- development permissible within PSZs guidance

14.2.10 It will normally be necessary for local authorities to consider whether the granting of an individual planning application would lead to an increase in the number of people living, working or congregating in the PSZs unless

following the specific guidance There should be a general presumption against:

- new or replacement development within PSZs
- changes of use of existing buildings, within PSZs

14.2.11 In particular, this should not permit:

- new or replacement dwelling houses or non-residential development
- mobile homes
- caravan sites
- other residential buildings

14.2.12 Exceptions to this general presumption are set out in development permissible within PSZs guidance.

14.2.13 Development Permissible within PSZ

14.2.14 Two types of exceptions to the general presumption may be permitted within those parts of PSZs outside any PSRZ.

14.2.15 First, it is not considered necessary to refuse permission on PSZs grounds for when it is either:

- an extension or alteration to a dwelling which is for the purpose of enlarging or improving the living accommodation for the benefit of the people living in it, such people forming a single household, or which is for the purpose of a 'granny annex'
- an extension or alteration to a property (not being a single dwelling or other residential building) that could not reasonably be expected to increase the number of people working or congregating in or at the property beyond the current level or, if greater, the number authorised by any extant planning permission
- a change of use of a building or of land which could not reasonably be expected to increase the number of people living, working or congregating in or at the property or land beyond the current level or, if greater, the number authorised by any extant planning permission. (This is considered to be fundamental)

14.2.16 Second, certain forms of new or replacement development which involve a low density of people living, working or congregating may be acceptable within a PSZ. Examples of these might include.

1. Long stay and employee car parking (where the minimum stay is expected to be in excess of 6 hours).
2. Open storage and certain types of warehouse development. 'Traditional' warehousing and storage use, in which a very small

number of people are likely to be present within a sizeable site, is acceptable. But more intensive uses, such as distribution centres, sorting depots and retail warehouses, which would be likely to entail significant numbers of people being present on a site, should not be permitted. In granting consent for a warehouse, a local planning authority should seek to attach conditions that would prevent the future intensification of the use of the site and limit the number of employees present.

3. Development of a kind likely to introduce very few or no people on to a site on a regular basis. Examples might include unmanned structures, engineering operations, buildings housing plant or machinery, agricultural buildings and operations, buildings and structures in domestic curtilage incidental to the principal dwelling and buildings for storage purposes ancillary to existing industrial development.
4. A public open space, in cases where there is a reasonable expectation of low-intensity use, such as car boot sales. Attractions such as children's playgrounds should not be established in such locations. Nor should playing fields or sports grounds be established within PSZs, as these are likely to attract significant numbers of people on a regular basis.

14.2.17 Having regard to the Department of Transport guidance on PSZs, the focus is more on only permitting development where there is a reasonable expectation of low intensity use or where uses will not entail significant numbers of people being on the site.

14.2.18 Taking the above into account, the application description "Outline planning application for the demolition of units 1b, 2a, 2b, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for flexible commercial uses with realignment of internal access road, car parking, servicing yards, soft landscaping and other associated works. All matters reserved." has been revised to remove the words "flexible commercial uses"

14.2.19 Units 5 and 6 of Plot B, unit 7 of Plot C and part of Unit 8 of plot D are located within the 1:100,000 Public Safety Zone, risk contour. Parts of Plot B and Plot C are located within the 1:10,000 contour.

14.2.20 The proposed warehouse use as proposed are of a low density use and have low employment occupancy. Where possible the ancillary office accommodation included within each industrial unit has been designed to site outside of the risk contours to reduce density further.

14.2.21 The proposed uses would now fall under the criteria of 2 and 3 of the above.

- 14.2.22** The site is in the location in close proximity to Stansted airport, M11/J8 and A120 is very important for the district. It is a key high quality employment site in the district.
- 14.2.23** The Uttlesford Employment Needs update states that there is a lack of industrial supply in Uttlesford and more generally within 10 miles of Bishops Stortford with a 98% occupancy level within the industrial market. Demand outstrips supply and there is a need to bring forward new development. Within a 10-mile radius of the Airport, agents report significant requirements. There is demand for industrial space in a range of small, medium and large size bands across the district including from established manufacturing businesses in the District. Additional supply is needed, particularly close to M11 Junction 8, which is the area of strongest occupier demand. The report identifies a strong need for small industrial units. This need is not satisfied by the units proposed on the Northside development which are on a larger scale. This scheme is designed for a completely different market.
- 14.2.24** The Economic Baseline study (2022) conducted as part of the North Essex Economic Board's 5-year economic strategy noted that the third highest grossing sector in Uttlesford was Transportation and Storage with a value of £222m pa. The sector has the highest levels of employment across all sectors with 19.6% of total employment (Employment needs and economic development evidence for the new local plan). The acting Economic Development Manager states that the application is supported from an economic Development perspective.
The Employment Needs and Economic Development Evidence 2021 highlighted that small industrial units, <10,000 sq ft, are in high demand in Uttlesford with demand outstripping supply.
The size of the units will appeal to micro and small businesses which make up the majority of Uttlesford business community.
- 14.2.25** Against this is the government advice in relation to development within the Public Safety Zone.
- 14.2.26** Government advice is that certain forms of new or replacement development which include a low density of people living, working or congregating may be acceptable within a PSZ.
- 14.2.27** The principal feature of the general policy in relation to buildings and land within any PSRZ is that people should not be expected to live or have their workplaces within such areas. Consequently, very few uses will be acceptable within this zone
- 14.2.28** At pre- application stage it was suggested that the design of the site is that perhaps storage, car parking (not airport parking) uses are within the Public Protection zones and the other buildings with more intense use/occupation are outside the protection zones.

- 14.2.29** It is considered a positive direction to redistribute the intensity of the use of the site from the inner zone to the outer zone, having regard to the Governments guidance. The CAA do not advise on how many people are appropriate to work at this location. It is, however, vital that the levels of people living, working or congregating on the site is restricted. This can be achieved by a suitable condition that creates a ceiling of people permitted in the Public Protection Zone and how the numbers of people within the zone are controlled.
- 14.2.30** No built floorspace is proposed within the 1:10,000 risk contour, which is an improvement over existing where units 2b and 1b are located in the highest risk contour.
- 14.2.31** Previously the numbers of people on the site have been controlled by the use of conditions. Planning application: UTT/0528/96/FUL has condition C90B attached which states: The maximum number of people living, working or congregating on the site edged in red on drawing p201 dates May 1996 shall not exceed 35 at any time. There shall not be more than 120 people living or working or congregating at any time on the land edged red and blue on the same drawing,
- 14.2.32** The 120 people refers to the number of people employed at the site as 120. This figure was agreed with the Civil Aviation Authority at that time. The site covers the areas inside and outside the Public Protection Zone (but not the area to the west of the site which was the builders yard). (Planning application UTT/0039/90)
The following other past approved applications on the site had conditions attached that restricted numbers of people on the site:
- UTT/0299/94/FUL (Unit 2) The maximum number of persons to be employed in the unit shall not exceed 21. This permission shall not authorise any increase in the total number of employees working or congregating on the site as edged red and blue.
 - UTT/0474/09/FUL; (Unit 14) no restriction on numbers.
 - UTT/0718/06/FUL: (Unit 18) no restriction on numbers
 - UTT/0894/97/FUL (Phase 2) maximum number 120.
 - Utt1134/99/FUL (Spellbrook Mercedes) restricts use by a person or company other than the operator of the site.
 - UTT/1254/99/FUL (Eurodrome building) No restrictions on numbers
 - UTT/15/2891/FUL: (Units 27-28) no restrictions on numbers
 - UTT/1534/03/FUL (Unit 2a) The maximum number of persons in the unit shall not exceed 15 in total.
 - UTT/1821/03/FUL (Unit 3) The maximum number of people shall not exceed 35 at any time. There shall not be more than 120 people on the site known as Stansted distribution site.

- 14.2.33** It is understood that no such records are kept for all of the users currently on site, but taking into account previous conditions the number within the Public Protection Zone should be capped at 120.
- 14.2.34** The reserved matters application should provide details of monitoring and control of people accessing the site, record keeping of numbers of people within the site at any one time and details of entry and exit every date. The scheme should also set out measures to limit congregation within any one particular area of the site. The proposal should also mean that all of the details of the above should be able to be supplied to the Council on request for any given period. This can be achieved by condition.
- 14.2.35** Within the area of proposed Plot B located within the PSZ, both the Audi Garage and existing Units 2A and 2B (as shown on PL002) are included. The Audi garage was restricted to the number of people on site as 35. Units 2A and 2B would have 28 people working there, and therefore within that Plot B area located in the PSZ there are currently the potential for 63 people working in the PSZ . The proposal is proposing 60 people within plot B which is therefore a reduction on existing. The indicative plan shows the ancillary office space of the buildings to be kept at minimum size.
- 14.2.36** The proposal would not result in an increase in the numbers of people residing working or congregating on the site within the Public Protection Zones beyond the current level, or if greater, the number authorised by any extant planning permission and is therefore in accordance with the Government Policy Paper (2021): Control of development in airport Public Safety Zones.
- 14.2.37** Subject to conditions, the proposal is considered to be acceptable in principle.

14.3 B) Design of the proposals and the impact on neighbour's amenity

- 14.3.1** Policy GEN2 sets out the design criteria for new development. In addition, Section 12 of the NPPF sets out the national policy for achieving well designed places and the need to achieve good design
- 14.3.2** All matters for the current application are reserved, access, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage.
- 14.3.3** The application is supported with an indicative masterplan and a proposed heights plan.
- 14.3.4** Policy GEN2 of the local plan seeks amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity. The design shall be compatible with the scale, form, layout, appearance of surrounding buildings

- 14.3.5** The development will not be permitted if it would 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. The distance between Unit 3 and the residential neighbour adjacent to Plot A is 9.7m at its closest point. The residential property is orientated north-west/south-east, so the side of the property faces the western boundary of the Site. The rear of the proposed buildings in Plot A will be located to the side of the residential property, rather than the front or rear and would not have any windows, so this is considered to be an acceptable relationship in terms of privacy and overlooking. There is also a significant existing landscape buffer separating the two buildings and proposed native planting, which helps to reduce any sense of overbearing.
- 14.3.6** The distance between Unit 5 and 10 Start Hill is 29.4m at its closest point. The office accommodation will be located on the western facade and no windows will be located on the northern facade this can be controlled by condition.
- 14.3.7** The proposals have the potential to impact on neighbours' amenity and impact on heritage assets.
- 14.3.8** Whilst overlooking can be controlled by suitable conditions, Plot B has the potential to be dominant and overbearing in relation to the houses to the south eastern side of Dunmow Road. Plot D does not reflect the existing scale of the units in that section of the site. The buildings recently built to the west of the site are on lower ground this needs to be taken into account when assessing the impact of the proposals.
- 14.3.9** The blank facade of the building types there is the potential for overbearing and visual dominance of the industrial units in close proximity to residential properties. Although a maximum height plan has been submitted, this does not sufficiently describe the three-dimensional reality of the proposals and their potential impact on neighbouring properties
- 14.3.10** The planning statement submitted states that the proposed units are located 36m from residential properties to the north, 9m from residential properties to the west and 40m from residential properties to the south. The land levels are also vastly different to surrounding adjacent properties, and therefore the impacts cannot be accurately assessed at this outline stage. . Specialist design advice is that a visual Impact Assessment that third party verified views in a number of locations should be included at reserved matters stage to be able to sufficiently determine the impact of the proposals. This can be secured by an appropriately worded condition.
- 14.3.11** In view of the site's location in relation to Stansted Airport the development has the potential to impact on aircraft and air safety.

The proposal has the potential to interfere with safety critical parameters that fall under seven headings:

- Obstacles - the protection of an aerodrome's safeguarded surfaces from infringement by any structures that may be either temporary or permanent including cranes. The heights of new development that we should be consulted on are shown on the map. The height includes any roof- mounted plant or masts.
- CNS - the protection of an aerodrome's Air Traffic Control, communication systems, navigational aids and surveillance systems. These vital systems are protected by the height limitations, but we also check the materials of new development and the activity to ensure that any electro-magnetic interference doesn't occur.
- Lighting - The protection from developments or activities that could confuse or distract pilots (including lighting) flying to or from the aerodrome or operating in the area. The height of lighting masts might also be an issue.
- Glint & Glare – to prevent distraction or ocular damage to pilots or air traffic controllers. All sorts of development can cause sun reflections that have the potential to cause an intolerable effect.
- Wildlife Management - the protection from developments or activities in the vicinity that have the potential to attract or increase the numbers of certain species, particularly birds, that are hazardous to aircraft. Any development involving: water bodies e.g. lakes, ponds, reservoirs, surface water drainage schemes, ditches; landscaping; biodiversity schemes; waste management; solar PV; tree-planting; wetlands; and large flat roofs, need to be sent to MAG for review. The bird hazard area is a circle of 13km radius from the aerodrome boundary. Any developments that have the potential to increase the number of birds in or transiting through the area = net increase in Birdstrike risk.
- Renewables – preventing interference by wind, solar or biomass installations. All these types of development have the potential to cause a hazard to aviation.
- Thermal Plumes – exhaust plumes from gas purging, flues, chimneys, or cooling towers may cause turbulence or air pockets that would be hazardous to aircraft.

14.3.11 It is essential that the proposal does not introduce additional risk, hazards or any potential to threaten the integrity of safe operations at Stansted Airport. The period of demolition / construction works will also present acute risks that we need to be carefully managed.

14.3.13 For this reason, it is important to have checks to determine whether or not new development presents such a risk and what, if any, mitigation needs to be put into place. This can be achieved by suitably worded conditions.

14.3.14 The proposed use of the site is a mix of B8 use with supporting classes E(g) and B2 use, car parking and service yards. These uses have the potential to cause some loss of amenity due to noise, fumes or smells.

The current application is not accompanied by a noise impact assessment.

- 14.3.15** Whilst the application seeks 24/7 hours it is not known based on the submitted information if there would be significant adverse noise impact on neighbours from industrial and commercial operations and activities particularly at night and outside typical working hours.
- 14.3.16** Suitably worded conditions in relation to, lighting, hours of opening, service yard management and odour and fumes are needed to minimise impacts on neighbours. The original planning consents for Stansted Distribution Centre a(UTT/0039/90, UTT/0527/96/FUL and UTT/0894/97) do not restrict opening hours via planning conditions. A service Yard Management Plan and noise Assessment and Mitigation Scheme secured via a planning condition will be used to control external noise and disturbance in accordance with Uttlesford Local Plan policy GEN4.
- 14.3.17** Subject to conditions, it is unlikely that significant loss of residential amenity would result due to noise, fumes or smells and the development can be designed so as not to result in and detrimental material to loss of residential amenity due to overlooking, overshadowing or overbearing impacts.
- 14.3.18** The indicative plans show that the proposed office space of each space is to be kept at minimum size.
- 14.3.19** Representations and consultee responses requested links to the Flitch Way to the site and also possible carparking for the Flitch Way to be provided on site.
- 14.3.20** A site visit was made to investigate the potential to meet these aims, however due to significant changes in land levels, tree preservation orders land ownership issues and also to prevent an increase in numbers within the Public Protection Zone that it was not feasible. Improvements to the Flitch Way are however, to be secured by a S106 agreement.
- 14.3.21** As access, appearance, layout, landscaping and scale are reserved matters a full assessment of the potential impacts cannot be made at this time.
- 14.3.22** Notwithstanding this, the indicative layout shows that the proposed development could be accommodated on site without giving rise to residential amenity issues in respect of overlooking or overshadowing subject to suitable conditions.

14.4 C) Heritage and Archaeology

- 14.4.1** Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under Paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out. Policy ENV2 is broadly consistent with the Framework and should be given moderate weight.
- 14.4.2** Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.
- 14.4.3** There are a number of listed buildings in the proximity of the site. A plan to show the maximum proposed building heights has been provided, but no contextual images to show the massing (to scale) as seen from Dunmow Road is provided for review. The proposed scale of the Plot D block does not reflect the existing scale of the units in that section of the site, which is in proximity of The Thatched Cottage.
- 14.4.4** A material consideration is that in 2014 a planning application (UTT/14/0138/FUL) for 6 no. employment units was approved to the east of the site, (immediately opposite The Thatched Cottage. It is considered that the proposed development would have no greater impact on the setting of the Thatched Cottage than that caused by the Mead Way Industrial Park. Additionally, a planning application (UTT/20/1098/FUL) was allowed at appeal for 15 dwellings between the site and the listed buildings to the north west of the site. These are now under construction.
- 14.4.5** The application makes several references to minimal impact to surrounding buildings, however there is little evidence to justify these statements. As such, further details are required to allow review of the character, massing, scale and design.
Proposals should be illustrated in context to show the actual impact the proposed massing would have on the low-density housing that surrounds the site, with a particular focus on the designated heritage assets. Vegetation screening should also be considered throughout the course of the year as the seasons change. This can be secured by a suitably worded condition.
- 14.4.6** Specialist heritage advice is that they support the principle of the proposal subject to conditions.
- 14.4.7** Subject to conditions, these proposals are not considered contrary to Policy ENV2 of the adopted Uttlesford Local Plan 2005 and the NPPF
- 14.5 D) Biodiversity**
- 14.5.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the

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

- 14.5.2** The site is located adjacent to the Flitch Way which is a Local Wildlife site and Local Nature Reserve and close to Hatfield Forest a SSSI.
- 14.5.3** A Great Crested Newt district Level Licensing impact Assessment and Conservation Payment Certificate has been submitted and signed by Natural England. Additionally, a Biodiversity Net Gains report, an Arboricultural Implications Report, a Preliminary Ecological appraisal and Landscape and Visual Impact assessments have been submitted.
- 14.5.4** The Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) states that the vegetated northern and southern boundaries of the site could be valuable for commuting and foraging bats. This is particularly important at this site given the southern boundary is adjacent the Flitch Way Local Wildlife Site (LoWS) and Local Nature Reserve (LNR) and is close to and connected to Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) and local records include light adverse species such as long-eared bats, *Barbastelle* and *Myotis* sp.
- 14.5.5** To avoid impacting light sensitive nocturnal animals such as bats any new external lighting will need to:
- be as low as possible as required to fulfil the lighting need.
 - Warm-White lights should be used preferably at <2700k. This is necessary as lighting which emits an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
 - Wall lighting should be located as low in height as possible and use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
 - • Movement sensors and timers could be used to minimise the amount of 'lit time'.
- 14.5.6** Additionally given the site is in close proximity to Flitch Way LoWS and LNR as well as Priority woodland habitat, it is recommended that methods to protect these designated sites and habitats during the construction phase from impacts such as pollution, dust and impacts within the Root Protection Area are outlined in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). This CEMP: Biodiversity can be secured by a condition of any consent concurrent with reserved matters.
- 14.5.7** It is also noted that the Biodiversity Metric Calculation Tool does not satisfy the trading rules given the loss of trees onsite. The proposed development would necessitate the removal of some 33 trees and 6 groups of trees together with the pruning of others including mature oak

trees. These trees are assessed as being of low value and the pruning works sustainable.

- 14.5.8** As the site is close to Stansted Airport, full details of landscaping scheme needed to be submitted with application to include planting plans, including specifications of species, sizes, planting centres, number and percentage mix. Permanent water shouldn't be retained. Planting schemes should limit plants with berries that attract birds to avoid bird strike. These can be controlled by a suitable condition.
- 14.5.9** With regards to the Flitch Way the Friends of Flitch Way have been consulted and improvements to the Flitch Way are to be secured by a s106 agreement.
- 14.5.10** The existing landscape buffer is retained as existing, the depth of the landscape buffer from the northern edge of footpath to the distribution centre varies and typically ranges from 12-17m and is well screened with existing vegetation and bunds. The demolition of Units 2A and 2B and realignment of internal access road creates a larger buffer between buildings and the Flitch Way compared to existing at the southwestern corner of the site.
- 14.5.11** Indicative Units 3 and 4 are to be built on an area of existing hardstanding occupied by storage buildings. Units 1 and 2 are replacing existing buildings and are also shown on land occupied by storage buildings and in an area of existing hardstanding
- 14.5.12** The indicative Unit 8 is set back from the southern boundary with the soft landscaping increased along the boundary from approximately 1m on the western edge of plot D to 3m approx. at the eastern corner of the southern boundary
- 14.5.13** The mitigation measures identified in the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.
- 14.5.14** No trees subject to a Preservation Order will be removed. Specialist Landscape advice is that the development would have negligible impact on the wider landscape.
- 14.5.15** Given the site is in close proximity to Flitch Way LoWS and LNR as well as Priority woodland habitat, it is recommended that methods to protect these designated sites and habitats during the construction phase from impacts such as pollution, dust and impacts within the Root Protection Area are outlined in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). This CEMP: Biodiversity should be secured by a condition of any consent concurrent with reserved matters.

It is also noted that the Biodiversity Metric Calculation Tool does not satisfy the trading rules given the loss of trees onsite. Achieving a measurable net gain in biodiversity using the DEFRA Biodiversity Metric is not yet mandatory for planning applications. However, it is recommended that additional tree planting occurs at the site or is secured offsite. A finalised Biodiversity Net Gain Design Stage Report should be secured by a condition of any consent concurrent with reserved matters, detailing how a measurable net gain in biodiversity will be achieved at the site using the DEFRA Biodiversity Metric 4.0, or any successor. We support the proposed reasonable biodiversity enhancements including the installation of integrated bird and bat boxes and the use of wildlife friendly planting onsite, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

14.5.16 Specialist ecological advice is that the proposal is acceptable subject to conditions. It is not considered (subject to conditions) that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.

14.6 E) Highways – parking and access

14.6.1 As the application is for outline with access listed as a reserved matter a full assessment of the potential impacts cannot be made at this time.

14.6.2 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.

14.6.3 The applicant has considered the active travel links to and from the site and identified where connections could be made to the local walking and cycling network and improvements made to bus stops. The travel plan is comprehensive and lists a number of initiatives designed to promote active and sustainable travel

14.6.4 An Uttlesford District Cycling Action Plan was published in March 2018. The aims of the plan are to:

- 'Identify how cycling levels can be increased in the District;
- Prioritise funding for new cycling schemes in Uttlesford;
- Create a usable, high-quality cycle network that connects residential areas with key employment locations, railway stations and town centres; and
- Create opportunities to increase recreational cycling in Uttlesford'

There are no schemes directly related to this site in the Cycle Action

Plan (CAP), but there is potential to link the site to Bridleway 42 Great Hallingbury which lies directly north of the B1256 opposite the site. This forms part of National Cycle Network (NCN) Route 16 and links to some of the proposals for improvements around Stansted Airport. The Flitch Way, which lies immediately south of the application site, is also identified within the plan and is a former railway line and designated as a Linear Country Park and Local Nature Reserve. Public Right of Way bridleway 44 (Great Hallingbury) runs along it, this route also forms part of NCN Route 16 between Braintree and Bishops Stortford, and there are local ambitions to make the route to Bishops Stortford more direct. Uttlesford District Council (UDC) has started the consultation process for an LCWIP but it has not yet been published.

- 14.6.5** The National Planning Policy Framework (NPPF) states:
114. In assessing... specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and]
 - b) safe and suitable access to the site can be achieved for all users;
 - c) 116. ...applications for development should:
 - d) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;
 - e) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and]
 - f) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...;
 - g) be designed to enable charging of plug in and other ultra low emission vehicles in safe and convenient locations.
- 14.6.6** Meetings and discussions have been held with Active Travel England and ECC Highways, Friends of the Flitch Way with the Planning officer and also with a member from Essex Bridleways Association to consider improvements and possible connections to the site and take into representation comments including Cycle Stortford. Due to the topography of the site (significant changes in land levels, ditches) and lack of highway land or land in the control of the applicant make links for cyclists from the development to the wider cycle network which consist of the Flitch way to the south and bridleway 42 to the north difficult to achieve in the short term. Links through the site to the Flitch Way may also encourage more people to enter the Public Safety Zone against Government guidance policy.
- 14.6.7** Active Travel England stated that a signalled crossing would be required across the B1256, however, ECC highways have informed that a safe and suitable crossing facility with a refuge island across the B1256 to provide access to/from the eastbound bus stop for pedestrians is essential. Their view is that a signalised crossing is not necessary at this location, notwithstanding their aims to enhance the cycle network. They advise that it would be best for a signalised crossing (preferably Pegasus, if

deliverable) to be located where bridleway 42 (Great Hallingbury 20) meets bridleway 45 (Great Hallingbury 20) further east from the site. This is partly due to land ownership constraints restricting access to bridleway 42 further west, but also because this already forms part of National Cycle Network route 16. It is considered to be justified asking the applicant to provide the signalled crossing as a result of this development.

14.6.8 As a result of those meetings, several obligations have been secured should the application be approved i:e Financial contributions towards improving sustainable transport links to the site, bus service enhancements, contributions to Flitch Way enhancements (to facilitate such improvements as new surfacing, signing, drainage connections and crossings in the vicinity of the site and/or the feasibility and design of strategic links to bishops Stortford), the provision of new bus stops and the enhancement of existing bus stops, the provision of an electric car club vehicle and provision of a cycle hire hub with a minimum 6 electric cycles available for all users of the development, workplace travel plans and highway works.

14.6.9 Uttlesford Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking standards proposed is appropriate for the location, as set out in the supplementary Planning guidance.

The Council has adopted both Essex County Council's Parking Standards – Design and Good Practice (September 2009) The parking standards for the uses proposed are maximum standards. Indicative plans show parking in compliance with these standards can be achieved.

14.6.10 The applicant should adhere to guidance in the Essex Design Guide and the Local Plan Policy GEN8 – Vehicle Parking Standards. Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface

14.6.11 Highways England have stated that they have no objection and that the development proposals will not have a material impact on the operation of the Strategic Road Network

14.6.12 ECC Highways also state that from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions and s106 terms.

14.6.13 Active Travel England also have no objections to the proposal subject to conditions and s106 agreement.

14.6.14 The proposal subject to conditions and s106 agreement would comply with the aims of Uttlesford Local Plan Policies GEN1 and GEN8.

14.7 F) Contamination

14.7.1 The site has been used for industrial purposes with infilled land. It is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. If approved this can be achieved by a suitably worded condition in accordance with Uttlesford Local Plan Policy ENV14.

14.8 G) Flooding and drainage

14.8.1 The application is supported by a Flood Risk Assessment, and this identifies that the site lies with Flood Zone1 indicating a low probability of flooding.

14.8.2 Appropriate treatment would be incorporated into the surface water drainage system to ensure that the quality of water discharged is acceptable. This would be achieved through the incorporation of a treatment train of SuDS including rain gardens, trees and permeable paving. If required proprietary treatment systems would be incorporated, this would be confirmed at the detailed design stage.

14.8.3 It is considered that the proposed development is generally at a low risk of flooding, flood risk can be managed appropriately, and the development would not increase the risk of flooding elsewhere. Surface water runoff would be managed appropriately through the incorporation of SuDS. It is considered that the information provided within this report satisfies the requirements of the NPPF, and local policy.

14.8.4 The Lead Local Flood Authority have no objections to the proposal subject to conditions.

14.8.5 Subject to conditions the proposal would comply with relevant policies.

14.9 H) Climate Change

14.9.1 The Council have adopted an Interim Climate Change Planning Policy. The Design and Access Statement states that the proposed development will take a holistic approach to the integration on of sustainable design from inception with the aspiration for the development to achieve a reduction in carbon emissions from the Building Regulations standards, as well as aspiring to achieve BREEAM 'Excellent' and EPC A ratings.

14.9.2 It further states that the design will aspire to incorporate the following sustainable features.

- a) Finely tuned building fabric to improve the reduction of energy loss, high efficiency fittings to reduce energy demand and the inclusion of renewable energy technologies to achieve a reduction in carbon dioxide emissions from the Building Regulation Standards.
- b) Where possible materials will be specified with an A rating in the Green Specification Guide and will be modular and standardised building elements to reduce waste.

- c) Water conservation achieved through low use fittings and sanitaryware.
- d) Surface water drainage achieved using SuDS (Sustainable Drainage Systems) techniques while avoiding external attenuation ponds or open water features due to proximity to the airport.
- e) Minimal environmental impact including noise and air quality, through the design of the layout and building fabric.
- f) Measures to minimise the generation of waste through construction and maximise re-use or recycling, by providing adequate room for waste treatment.
- g) Inclusion of a Travel Plan, cycle parking and shower facilities, as well as connectivity to the footway network to encourage the use of non-car modes of transport.
- h) Enhanced biodiversity value through increased areas of tree planting and areas of soft landscape following an ecology survey.
- i) Promotion of green travel through the inclusion of cyclist facilities, electric car fast charging points, car sharing spaces and improved pedestrian links.

14.9.3 An Energy Strategy will form part of the future Reserved matters application (RMA) documentation, stating what opportunities have been considered and incorporated to provide renewable energy infrastructure as an integral part of the development.

14.9.4 The Transport Assessment states that 20% active and 80% passive electric charging spaces will be provided.

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;

- A) The proposal is acceptable in principle
- B) The design is a matter to be assessed at reserved matters stage
- C) Subject to conditions, these proposals are not considered contrary to Policy ENV2 of the adopted Uttlesford Local Plan 2005 and the NPPF
- D) It is not considered (subject to conditions) that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.
- E) The proposal subject to conditions and s106 agreement would comply with the aims of Uttlesford Local Plan Policies GEN1 and GEN8.
- F) It is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. This can be achieved by condition.
- G) The application is supported by a Flood Risk Assessment, and this identifies that the site lies with Flood Zone1 indicating a low probability of flooding. Subject to conditions the proposal would comply with relevant policies.
- H) This will be assessed at reserved matters stage.

17. S106 / CONDITIONS

17.1 Heads of Terms:

- Financial contribution towards sustainable transport £25,000 (for the purposes of improving sustainable transport links to the site. The contribution may be put towards a feasibility study and/or design and/or implementation of some or all of a cycle route link between the site and Bishops Stortford; and/or improvements to the Flitch Way and/or National Cycle Route 16; and/or to improve the frequency, quality and/or geographical cover of bus routes serving the site; and/or towards cycling and walking improvements in the vicinity of the site identified in the Uttlesford Local Walking and Cycling Infrastructure Plan
- Provision of new bus stops and enhancement of existing bus stops £43,380.
- Workforce travel plan with monitoring £6,760 index linked.

- Car club contribution £43,335
- Cycle hire hub £69,000
- Travel vouchers £5,700
- A contribution to local improvements to the flitch Way
- Real time passenger information display at eastbound stop £10,845.09 index linked.
- Real time passenger information display at westbound stop £10,845.09 index linked.
- New west bound shelter £8,700.23

17.2 Conditions:

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

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

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

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

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

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

- 4 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule. (excluding indicative height plan)

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

- 5 Details of designing out crime and any required security measures to protect the users of the site shall be submitted to and approved in writing by the Local Planning authority prior to the commencement of the above ground works. Thereafter the development shall be implemented in accordance with the approved details.

REASON: In the interest of safety and security of the scheme and the wider area in accordance with Local Plan policy GEN2 (adopted 2005)

- 6 Parking details for each plot shall be in accordance with Essex Parking standards.

REASON: In the interest of the development and highway and pedestrian safety, in accordance with Local Plan (adopted 2005) policies GEN and GEN8 and the Essex parking Standards (2009) and the NPPF.

- 7 Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning authority. The Phasing Plan shall include details of the separate and severable phases or sub phases of development. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.

REASON: In the interest of the design and implementation of the development and relevant infrastructure in accordance with the Local plan (adopted 2005) Policy as a whole and the NPPF.

- 8 Heritage:
Prior to or concurrent with the submission of the Reserved Matters application for the development, a design assessment that details the scale, layout, and massing of the proposal within context of the surrounding designated and non-designated heritage assets should be provided.

REASON: To clarify the impact of the proposed development on the Flich Way and designated heritage assets within proximity of the site in accordance with Uttlesford Local Plan (adopted 2005) Policy ENV2.

- 9 SUDS
No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates from all plots to not exceeding 2.5l/s/ha for 1in1yr storm events, 6.6l/s/ha for 1in30yr events and 9.2l/s/ha for 1in100yr rate plus 40% allowance for climate change. 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, OR, if impracticable
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

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

10 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 is in accordance with policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF

- 11 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 is in accordance with policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF

- 12 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. This is in accordance with policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF

- 13 As shown on plan PL05, With the exception of Plots A and Plot B the heights of the proposed buildings shall be a maximum of 13.5m on plot D and 10.5m on Plot C unless otherwise agreed in writing with the Local Planning Authority

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan (adopted 2005) Policy GEN2

- 14 Concurrent with the submission of reserved matters verified views at viewpoints to be agreed shall be submitted and agreed in writing to demonstrate that the development would not have an overbearing impact on nearby residential properties or result in any material detrimental impact by way of overlooking or overshadowing.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan (adopted 2005) Policy GEN2

- 15 Prior to the above ground level construction of any phase the materials to be used in the construction of the external surfaces of that phase/plot shall be submitted to and approved in writing by the Local Planning authority and thereafter implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning authority

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 16 Landscaping:
Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials

- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife, provided this does not conflict with airport safety
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details
- l) L) external lighting

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 policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

- 17 No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written

approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

- 18 Prior to commencement of the development tree protection measures for the existing trees to remain on the site shall be submitted to and approved in writing by the Local Planning authority. The development shall be implemented using the approved protection measures. Subsequently, the approved measures shall not be changed without the prior written consent of the Local Planning Authority

REASON: the use of such pre- commencement condition is required to ensure the protection of the existing trees that bound the site during the construction of the development in accordance with Uttlesford Local Plan policies GEN2, GEN7 and ENV£ of the Uttlesford Local Plan (adopted 2005)

- 19 The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition "retained tree or shrub' means an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

- 20 Slab Levels:

Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and to minimise the visual impact of the development in the street scene in accordance with policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

21 Environmental Health

Contamination:

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 ensure that the proposed development does not cause harm to human health, the water environment, and other receptors in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

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

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

23 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority 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 ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

24

Air Quality:

Electrical vehicle charging points (EVCP) shall be provided for 20% of the proposed car parking spaces and passive provision shall be made available for a t least 25% of the spaces in the development, so that the spaces are capable of being readily converted to electric vehicle charging points. Further provision is required subject to availability of power supply and the consideration of new technologies.

The location of the EVCP spaces and charging points and a specification for passive provision shall be submitted to and approved in writing by the local planning authority before any of the commercial units are first brought to use. The EVCP shall thereafter be constructed and marked out and the charging pints installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

REASON: to protect local air quality and amenity of existing neighbouring and future occupiers of the development. This is in accordance with policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005)

25

Construction Impacts:

No development shall take place 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 interest of the amenity of surrounding local residential/business premises in accordance with policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

26

External Lighting:

Details of any external lighting to be installed on the site, including the design of the lighting unit, and any supporting structure, the polar throw 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 Uttlesford Local Plan Polices ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

27 Environmental Agency /Environmental Health

Piling using penetrative methods shall not be carried out other than with the written consent of the you the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. There is some uncertainty around land contamination and waste deposited at the site, so there is concern piling or other penetrative construction methods/installations could disturb underlying contamination resulting in the pollution of the underlying aquifers. A foundation works risk assessment will be required prepared with reference to the guidance presented in Piling into Contaminated Sites (Environment Agency, 2002) available at the following website: [ARCHIVED CONTENT] (nationalarchives.gov.uk) and in accordance with policies ENV14 and ENV12 of the adopted Uttlesford Local Plan (2005)

28 Details of any illuminated signs to be installed on the site, including the design and illuminance levels shall be submitted to and approved in writing by the Local Planning Authority prior to the signs being brought into use. The signs shall be installed in accordance with the approved details.

The illuminated signs shall comply, where possible, with the Institution of Lighting Engineers Professional Lighting Guide 05, The brightness of Illuminated Advertisements.

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

29 Industrial/Commercial Noise Impacts

Plant noise:

For each of the permitted commercial and industrial units hereby approved, prior to the installation of any plant, machinery or equipment the details of such shall be submitted to and approved in writing by the Local Planning Authority.

A noise impact assessment must also accompany the submission and include noise emissions from the equipment and mitigation measures to be incorporated. The sound levels shall be assessed in accordance with BS4142:2014+A1 2019 (Or latest equivalent version). The sound emitted must be measured (or calculated if measurement is not possible) at 1.0m from the facade of all residential premises to demonstrate that the sound emitted by the cumulative operation of all external building services plant and equipment hereby permitted does not exceed 5db below the background noise level at any time when the plant is operating. The noise

survey must include reference to measured background noise level at monitoring locations and times agreed by the Local Planning Authority. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

Any scheme of mitigation shall be implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures have been implemented. The plant and equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

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).

- 30 Prior to commencement of development, to establish background noise levels in vicinity of the development 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 noise sensitive properties. This shall be undertaken by a suitably competent person.

The noise sensitive property locations shall be submitted for written approval by the Local Planning Authority. The noise survey results shall be submitted for written approval of the representative background noise levels for each of the noise sensitive receptors at the reserved matters application stage.

Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

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).

- 31 Post completion noise survey:
Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment rated noise levels are predicted to be in

excess of 5 dB(A) above background noise levels a noise mitigation scheme 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)

- 32 Hours Of Operation:
Prior to the first occupation any of the individual non-residential units hereby permitted, details of the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The non-residential units shall thereafter be occupied solely in accordance with the approved details.

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)

- 33 Road Traffic Noise Impact:
No development shall take place until a scheme for protecting the existing noise sensitive premises from noise from road traffic changes resulting from the development, including increases in road traffic, changes to road layouts, roundabouts and new road crossings has been submitted to and approved in writing by the local planning authority.
The approved development shall not be brought into use until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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)

- 34 Service Yard Management:
Prior to the commencement of development, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the service yards. Thereafter the approved plan shall be implemented at all times.

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).

- 35 Odour/Fumes Industrial/Commercial:
Prior to first occupation a scheme detailing all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with that uses/plot hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the use commencing and retained thereafter.

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)

36 Highways

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 cover all areas of the site identifying differences in operation as necessary and 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) protection of public rights of way within the vicinity of the site
- g) 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's expense where caused by developer.
- h) the management of construction to ensure no detrimental impact to aviation operations to include as a minimum:
 - i) Measures to control dust and smoke
 - j) Bird mitigation to ensure no birds hazardous to aviation are attracted to the site during construction.
 - k) Temporary lighting arrangements to ensure no confusion with aviation lighting
 - l) The use of radio frequency emitting devices and the process for consultation with Stansted Airport prior to usage
- m) Control foreign Object Debris (including any tarpaulins)
- n) Stacking of materials and equipment (to avoid physical safeguarding surface breaches and wildlife control
- o) The process for consulting Stansted Airport prior to the use of any tall equipment in line with CAA CAP 1096
- p) the process for consulting Stansted Airport prior to any gas venting

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 policy GEN 1 of the Uttlesford Local Plan (adopted 2005) and to ensure that construction and construction equipment does not breach aerodrome safety, in accordance

with Uttlesford Local Plan Policy GEN2 Government Guidance policy paper Control of Development in Airport Public Safety Zones 2021.

- 37 Access:
Prior to occupation of the development, the junction at its centre line shall be provided with a visibility splay with dimensions of 4.5m by 126m to the west and 4.5m by 122m to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to occupation and retained free of obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between vehicles using the junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

- 38 Highway works:
Prior to occupation, the following highway works will be provided entirely at the developer's expense:

- a) Provision of an uncontrolled pedestrian crossing to the west of the site access, between the two bus stops, as shown indicatively on Milestone drawing no. 23036/002 Rev C, to include dropped kerbs, tactile paving, minimum 2.4m wide refuge island and lighting
- b) Provision of 2m wide footways along the site frontage to the westbound bus stop, and between footpath 43 (Great Hallingbury 20) and the eastbound bus stop, as shown indicatively on Milestone drawing no. 23036/002 Rev C
- c) Any ancillary works associated with the installation of bus infrastructure

REASON: In the interests of highway safety, reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

- 39 Prior to first beneficial occupation highway works shown in principle on drawing number 23036/002 REVC shall be provided, this includes relocated and enhanced bus stops, footways widened to a minimum width of 2m, and two uncontrolled crossings with refuge islands, minimum widths of 2.3m (western crossing) and 2m (eastern crossing).

REASON: To ensure appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and to provide safe and suitable

access for all users in accordance with NPPF and policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

40 Bus infrastructure

Prior to occupation of the development, the provision of the following bus infrastructure entirely at the developer's expense:

a) Improvements at eastbound stop (known as Spellbrook Motors opp.)

- i. Removal of existing pole and flag
- ii. New Essex standard shelter to be installed.
- iii. Flag, timetable and clearway plate to be attached to shelter.
- iv. Bus stop clearway markings on carriageway

b) New westbound stop (name to be confirmed)

- i. New Essex standard shelter to be installed.
- ii. Raised kerbs to be installed.
- iii. Flag, timetable and clearway plate to be attached to shelter.
- iv. Bus stop clearway markings on carriageway

c) Real time passenger information

- i. 28" in-shelter display at eastbound stop
- ii. 28" in-shelter display at westbound stop

REASON: 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 policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

41 No part of the development hereby approved shall be brought into use unless and until A Travel Plan has been approved in writing by the Local Planning Authority who shall consult with Essex County Council and National Highways as Highways Authorities.

The Travel Plan shall be in line with prevailing policy and best practice and shall as a minimum include:

- The identification of targets for trip reduction and modal Shift
- The methods employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms and review
- The penalties to be applied in the event that targets are not met
- The mechanisms and methods of mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel plan following monitoring and reviews

REASON: To ensure the efficiency and safe functioning of the highways network. This is in accordance with policy GEN1 and GEN2 of the adopted Uttlesford Local Plan (2005) and the NPPF

42 Aerodrome Safeguarding

No development to take place, including any ground works, until detailed assessments relating to aerodrome safeguarding have been submitted to and approved in writing by the Local Planning Authority in consultation with Stansted Airport to determine the following as a minimum:

- Potential to obscure aviation lighting
- Impacts upon Obstacle Limitation Surfaces (precise heights of buildings and ground levels required)
- Bird mitigation to ensure no birds hazardous to aviation are attracted to the site during the operational phase;
- The prohibition of standing water
- Glint and glare impacts upon aviation receptors
- Detailed and quantitative wind turbulence impacts of the development upon aviation receptors where necessary
- Impact on CNS equipment

REASON: To ensure that development does not breach aerodrome safety. In accordance with Uttlesford Local Plan policy GEN2

43 Where necessary, no development to take place until an Instrument Flight Procedure Assessment of the development and any associated tall equipment used during the construction of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Stansted Airport. The Instrument Flight Procedure Assessment is to be undertaken by a CAA approved Procedure Design Organisation (APDO).

REASON: To ensure no infringement upon protected safety surfaces at Stansted Airport in accordance with Uttlesford Local Plan (adopted 2005) Policy GEN2 and Government guidance paper The Town and Country Planning (safeguarded aerodromes (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (updated 2016)

44 Ecology:

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 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 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) also in accordance with Uttlesford Local Plan (adopted 2005) policies GEN2 and GEN7 and the NPPF

- 45 Prior to commencement concurrent with reserved matters action required Any works which will impact the resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 also in accordance with Uttlesford Local Plan (adopted 2005) policies GEN2 and GEN7 and the NPPF

- 46 Concurrent with reserved matters prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include protection of the Flitch Way Local Wildlife Site and Local Nature Reserve as well as surrounding Priority woodland habitat and retained trees.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) also in accordance with Uttlesford Local Plan (adopted 2005) policies GEN2 and GEN7 and the NPPF

- 47 Concurrent with the submission of reserved matters and prior to commencement of the development a final 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 4.0 or any successor. It is recommended that additional tree planting occurs at the site or is secured offsite.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site.
- A commitment to measures in line with the mitigation hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality.
- Details of the implementation measures and management of proposals.
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: In order to demonstrate measurable net gains and allow the Local planning authority to discharge its duties under the NPPF 2023 and in accordance with Uttlesford Local Plan (adopted 2005) Policies GEN 2 and GEN7

- 48 Concurrent with reserved matters prior to any works above slab level a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023), shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans
- d) (where relevant);
- e) persons responsible for implementing the enhancement measures; and
- f) details of initial aftercare and long-term maintenance (where relevant).
- g) The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

49 Concurrent with reserved matters and prior to occupation a lighting design strategy for biodiversity” in accordance with GN: 08/23 (ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- 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
- 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.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan (adopted 2005) Policies GEN 2 and GEN7

50 **Public Safety**

The maximum number of people living, working or congregating within and outside the public protection zones of the site edged in red, (excluding the area to the west which was previously the builders yard) shall not exceed 120 at any one time.

The estate manager shall keep a register of employees and visitors, within the site at any one time, to be provided to the Local planning authority on request at any given time period.

REASON: In the interest of public safety as the site is located in close proximity to Stansted Airport in accordance with Uttlesford District Council adopted plan (2005) Policy AIR7

- 51 The maximum number of people living, working or congregating within the Public Protections Zones shall not exceed the numbers below.
Across the plots within the Public Protection Zone (shown within Plan PI004) this should be split as follows:
- Plot B Maximum 60 people
 - Plot c and existing building 1A maximum 35 people
 - Plot D maximum 35 people

The estate/site manager shall monitor and control the people accessing the site, record keeping of numbers of people within the site at any one time and details of entry and exit every date. A register of employees and visitors to each plot, on a daily basis shall also be kept.all of the details of the above should be able to be supplied to the Local planning authority on request at any given time period.

REASON: In the interest of public safety in accordance with Uttlesford district council policy in accordance with Uttlesford District Council adopted plan (2005) Policy AIR7 and government Guidance paper : Control of Development in Airport Public Safety Zones 2021

- 52 No windows shall be inserted in the elevations (or shall be obscured glazed) to the north western elevation of any buildings in plot B that would result in overlooking of the residential properties to the north east of the plot.

No windows shall be inserted in the northern elevation of the buildings facing the residential building noname (or the windows shall be fixed shut/omitted /obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority). Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Uttlesford Local Plan Policy GEN2

Agenda Item 10



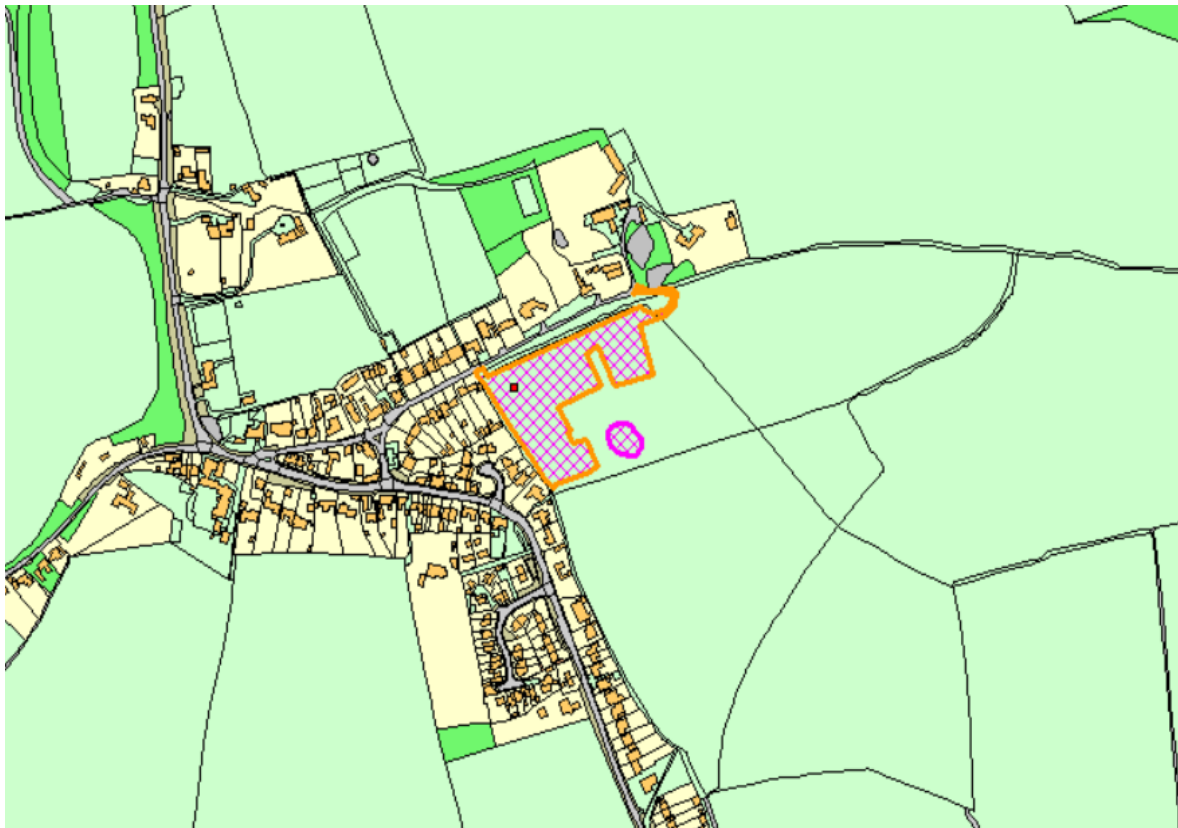
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/23/0707/FUL

LOCATION: Land South Of Deynes Road, Debden

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

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** Place Services state that the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208.
- 1.6** The public benefit of the development are the provision of housing within an area that does not have a 5-year land supply, the provision of bungalows and the sustainable use of heating provision, leading to an environmental benefit.
- 1.7** It is concluded that the ‘less than significant’ harm to the listed building does outweigh the public benefit which arises from the proposed development. The application is therefore recommended for refusal on heritage grounds.

2. RECOMMENDATION

2.1

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

A) REFUSAL REASON – see section 17

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 The heritage advice received from Places Services state “The application site as historically undeveloped agricultural land, with several footpaths across, it is considered to positively contribute to the setting and understanding of the heritage assets significance. The proposed development of the Site shall have an acute impact upon Deynes Farmhouse, the principal elevation of which faces unto the application site. The site as agricultural land, as shown by the submitted historic maps, has undergone little change over time and this contributes to the rural character of Deynes Farmhouse and Debden. Furthermore, Deynes Farmhouse is understood to have been located in a historically isolated position within the countryside. Whilst there has been development within its setting to the west along Deynes Road this remains appreciable, with uninterrupted views to the south.

10.5.2 In principle the proposed development of the site raises concerns. The proposed development of nine bungalows with associated landscaping and new access shall adversely impact the setting of the heritage assets. The proposed development shall be highly visible in views to and from Deynes Farmhouse and would have a considerably urbanising effect, resulting in Deynes Farmhouse which has historically overlooked open countryside, to viewing a modern estate with access road. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial, and I suggest towards the middle of the spectrum (Paragraph 202). For that of West View [Grade II listed,

list entry number: 1112383], given the distance and the retained agricultural land, I do not consider there to be harm.

10.5.3 The Applicant has provided a Heritage Response further to Place services initial advice. The Heritage Response agrees that the proposed development would cause a less than substantial level of harm due to the loss of existing farmland which contributes to the significance of Deynes Farmhouse and how the listed building is experienced. The Heritage Response goes on to undertake the balancing exercise (under Paragraph 208 of the NPPF (December 2023)), which is outside of our remit as specialist advisors and for the decision maker to undertake in their consideration of the application. Therefore, it is common ground that the proposed development gives rise to less than substantial harm and any representations regarding the planning balance (i.e. how that harm might be weighed) are for consideration by Uttlesford District Council.

10.5.4 Place Services conclude the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208. When considering the impact of a proposed development on the significance of a designated heritage asset Paragraph 205 states that 'great weight should be given to the assets conservation'. This is irrespective of the level of harm, in line with statutory duty.

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/Sewage

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 5-Year Housing Land Supply (5YHLS) figure has been updated twice recently. In October 2023, the Local Planning Authority (LPA) published a 5YHLS figure of 5.14 years with the necessary 5% buffer. However, there is a more recent position that reflects the recent government update of the Housing Delivery Test (HDT). As a result of the recent update, housing completions within the district made up 58% of the required number of homes for the most recent HDT period (01

April 2019 to 31 March 2022 in comparison to 99% in the previous period). This means that 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.

- 14.3.22** Following paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the LPA's housing requirement because of the updated HDT. This means that the current 5YHLS is 4.50 years (instead of 5.14 years). As the LPA cannot demonstrate a 5YHLS that includes the necessary 20% buffer, the presumption in favour of sustainable development under paragraph 11(d) of the NPPF is engaged when determining applications for residential development within the district. The LPA's Development Plan cannot be viewed as being fully up to date; this is additional reason why paragraph 11(d) of the NPPF is engaged, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would significantly and demonstrably outweigh the benefits.
- 14.3.23** 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 perceived 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, Deynes Farm (a Grade II property, north of the site) has also been considered.

14.6.4 The heritage advice received from Places Services state "The application site as historically undeveloped agricultural land, with several

footpaths across, it is considered to positively contribute to the setting and understanding of the heritage assets significance. The proposed development of the Site shall have an acute impact upon Deynes Farmhouse, the principal elevation of which faces unto the application site. The site as agricultural land, as shown by the submitted historic maps, has undergone little change over time and this contributes to the rural character of Deynes Farmhouse and Debden. Furthermore, Deynes Farmhouse is understood to have been located in a historically isolated position within the countryside. Whilst there has been development within its setting to the west along Deynes Road this remains appreciable, with uninterrupted views to the south.

14.6.5 In principle the proposed development of the site raises concerns. The proposed development of nine bungalows with associated landscaping and new access shall adversely impact the setting of the heritage assets. The proposed development shall be highly visible in views to and from Deynes Farmhouse and would have a considerably urbanising effect, resulting in Deynes Farmhouse which has historically overlooked open countryside, to viewing a modern estate with access road. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial, and I suggest towards the middle of the spectrum (Paragraph 202). For that of West View [Grade II listed, list entry number: 1112383], given the distance and the retained agricultural land, I do not consider there to be harm.

14.6.6 The Applicant has provided a Heritage Response further to Place services initial advice. The Heritage Response agrees that the proposed development would cause a less than substantial level of harm due to the loss of existing farmland which contributes to the significance of Deynes Farmhouse and how the listed building is experienced. The Heritage Response goes on to undertake the balancing exercise (under Paragraph 208 of the NPPF (December 2023)), which is outside of our remit as specialist advisors and for the decision maker to undertake in their consideration of the application. Therefore, it is common ground that the proposed development gives rise to less than substantial harm and any representations regarding the planning balance (i.e. how that harm might be weighed) are for consideration by Uttlesford District Council.

14.6.7 Place Services conclude the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208. When considering the impact of a proposed development on the significance of a designated heritage asset Paragraph 205 states that 'great weight should be given to the assets conservation'. This is irrespective of the level of harm, in line with statutory duty.

14.6.8 The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. As such, the proposed development does not 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 is 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/Sewage

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 A holding objection from the Lead Local Flood Authority based on the need for further information regarding the drainage calculations and a drainage layout.

14.12.4 However, the proposal is within the lowest flood zone and subject to further information being submitted it is viewed that the holding objection

can be overcome for this reason thereby the development will still 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 The proposed access has been deemed satisfactory to the highway authority subject to conditions

16.5 Place Services state that the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208.

16.6 The public benefit of the development are the provision of housing within an area that does not have a 5-year land supply, the provision of bungalows and the sustainable use of heating provision, leading to an environmental benefit.

16.7 It is concluded that the 'less than significant' harm to the listed building does outweigh the public benefit which arises from the proposed development. The application is therefore recommended for refusal on heritage grounds.

17. Refusal Reason

- 1.** The proposed development of nine bungalows with associated landscaping and new access shall adversely impact the setting of the heritage assets. The proposed development shall be highly visible in views to and from Deynes Farmhouse and would have a considerably urbanising effect, resulting in Deynes Farmhouse which has historically overlooked open countryside, to viewing a modern estate with access road. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. The proposal is therefore contrary to Policy ENV2 of the Uttlesford Local Plan 2005.

Agenda Item 11



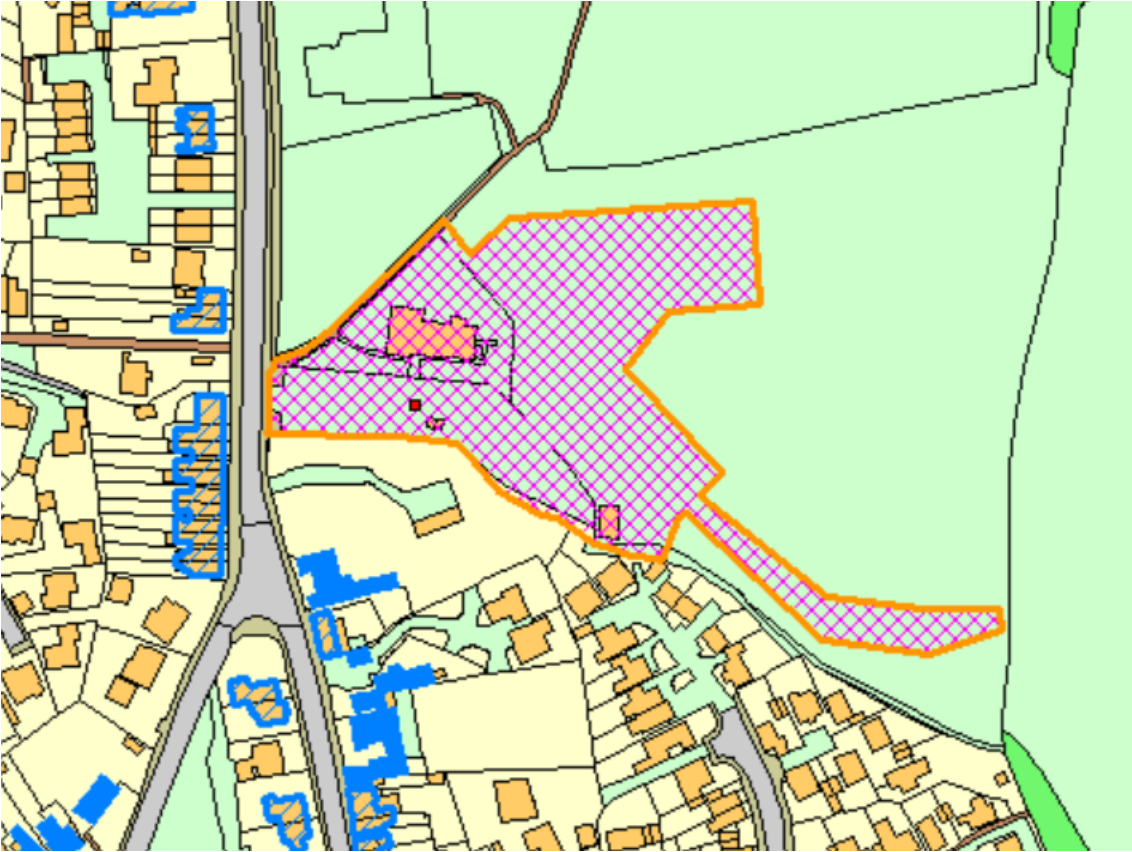
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/23/2494/FUL

LOCATION: Car Park, Recreation Ground, The Causeway, Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 23/01/2024

PROPOSAL: Redevelopment of existing car park to provide 70no. parking spaces and widening of existing crossover. Demolition of existing toilet block and construction of new block with bottle filling station. New storage facility with photovoltaic panels and new MUGA with surrounding hardstanding and landscaping.

APPLICANT: Great Dunmow Town Council

AGENT: Rebecca Kemm

EXPIRY DATE: 7 December 2023

EOT EXPIRY DATE: 9 February 2024

CASE OFFICER: Rachel Beale

NOTATION: Within Conservation Area. Within Development Limits. Tree Preservation Order (Horse Chestnut, Ash x 3) , Groundwater Protection zone

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Cllr Davey

1. EXECUTIVE SUMMARY

1.1 This scheme seeks planning permission for the redevelopment of the existing car park to provide 70no. parking spaces and widening of existing crossover. Demolition of existing toilet block and construction of new block with bottle filling station. New storage facility with photovoltaic panels and new MUGA with surrounding hardstanding and landscaping.

1.2 A similar application was approved in April 2021 under application ref. UTT/20/2968/FUL, but the scheme could not be brought forward due to the surface water drain found to be running beneath the proposed location of the storage unit. A new solution was required to ensure that no drain would be built upon, and the relevant easements were adhered to.

1.3 This application revises the previously approved application but largely, the principle remains the same. The key differences between the two applications are increased size of the proposed storage unit, more

parking spaces proposed and the introduction of a proposed MUGA (multi-use games area).

2. RECOMMENDATION

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The site is location to the east of the Causeway in Great Dunmow within the northern part of Great Dunmow.

3.2 The site comprises a car park and a small, grassed area. The existing car park has 27 car parking bays and 4 disabled bays. There is also a toilet block. Adjacent to the north of the site is the Dourdan Pavilion.

4. PROPOSED DEVELOPMENT

4.1 Redevelopment of existing car park to provide 70no. parking spaces and widening of existing crossover.

4.2 Demolition of existing toilet block and construction of new block with bottle filling station.

4.3 New storage facility with photovoltaic panels and new MUGA with surrounding hardstanding and landscaping.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1 UTT/20/2968/FUL- Proposed demolition of existing public toilet block and construction of a new public toilet block containing 3 no. accessible toilets and 1 no. disabled access WC, a new storage unit for sports and maintenance equipment and extension to existing car park to accommodate 47 no. standard parking spaces and 4 no. disabled parking spaces – Approved.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No pre-app advice has been requested by the applicant.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

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

8.2 Local Flood Authority

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

9. PARISH COUNCIL COMMENTS

9.1.1 The Town Council is the applicant.

10. CONSULTEE RESPONSES

10.1 Sport England

10.1.1 Sport England raises no objection to this application as a statutory consultee which is considered to meet exceptions 2, 3 or 5 of our adopted Playing Fields Policy and paragraph 99 of the NPPF subject to a planning condition being imposed relating to a sports lighting scheme for the multi-use games area as set out in this response

10.2 UDC Environmental Health

10.2.1 No objection subject to condition.

10.3 Place Services (Conservation and Heritage)

10.3.1 In terms of the National Planning Policy Framework (NPPF, 2023), I do not, however, consider there to be harm to the significance of the Conservation Area or listed Brook House arising from this additional municipal development within their setting. In my opinion, the proposals will also preserve the special interest of the listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The design of the proposed storage unit which includes solar panels to the roof slope, which will be visible in some views from the Conservation Area, is industrial in character and of poor quality, and likewise, the toilet block is also of a low design quality. Paragraph 206 of the NPPF requires that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. In my opinion, improvements could be made to the design of the storage unit and toilet block to better meet the requirements of paragraph 206. A condition is also recommended.

10.4 Place Services (Ecology)

10.4.1 No objection, subject to condition.

10.5 Place Services Archaeology

10.5.1 No objections subject to conditions.

10.6 Essex Police

10.6.1 No objections subject to details.

10.7 Anglian Water

10.7.1 No objection subject to condition.

11. REPRESENTATIONS

11.1 A site notice was displayed on site, the application was advertised in the local press and notifications letters were sent to nearby properties.

11.2 Support

11.2.1 Need for the development.
Car park improvements required.
Improved facilities good for health.

11.3 Object

11.3.1 Impact on the character of the area
Impact on views
Impact on open space
Removal of green space
Light pollution
Impact on wildlife
Blocking up footpaths
Wrong location for MUGA
Impacts from noise
Waste of money
Increase in anti-social behaviour
Less space for existing events
Storage building too big
Hours of use
Drainage concerns
Unneeded development
Overbearing and impacts on privacy
Removal of trees
Traffic increase
No local demand
Impact on local house prices

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 S1 – Main Urban Areas
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV1 – Design of Development within Conservation Areas
LC2 - Access to Leisure and Cultural Facilities
ENV14 – Contaminated Land

13.3 Neighbourhood Plan

13.3.1 Great Dunmow Neighbourhood Plan

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
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, Scale, Impact on character and Conservation Area
C) Impact on Neighbouring Amenity
D) Access and Parking
E) Biodiversity and Trees

14.3 A) Principle of Development

14.3.1 The application is for a car park expansion, the demolition of an existing toilet block and construction of a replacement toilet block and the erection of a new storage unit.

14.3.2 Policy S1 states that development within the existing built-up areas, if compatible with the character of the settlement and in addition, for sites on the edge of the built-up area, its countryside setting will be permitted.

- 14.3.3** Within the Great Dunmow's Neighbourhood Plan, the Recreation Ground (GDTC) is described as a critical piece of open space for football clubs, children, dog walkers, the Great Dunmow annual carnival, the annual Guy Fawkes celebrations, and general recreation.
- 14.3.4** Policy: LSC4: Local Green Space of the GDNP states: *This Plan identifies the following areas of important open communal space within Great Dunmow. These are to be retained as essential community and character assets and are designated as Local Green Space in accordance with NPPF Paragraph 76. Development will only be allowed in very special circumstances where the benefit of the development clearly outweighs any harm and contributes to the function of that site.*
- 14.3.5** This development will meet the local priorities and needs of the community for a larger hardstanding car park that provides safe parking for the Pavilion, play areas and recreation ground, at a scale appropriate for Great Dunmow's growth.
- 14.3.6** The site will retain the large majority of its greenspace, whilst providing much improved toilet facilities for the community and a safe place to store equipment, such as for maintenance and sporting activities.
- 14.3.7** The existing toilet block is no longer fit for purpose and lack inclusivity. There is no allocated baby change in either the male or female sections, nor is there room for either to be fitted. There is no disabled toilet or even an accessible WC. Finally, the toilets are segregated with no unisex option.
- 14.3.8** The proposed storage block will allow for maintenance vehicles and supplies to be stored in a secure place, as well as providing better storage for sporting equipment used within the recreation ground frequently by local football teams etc. The storage facility is to have solar panels installed on the south-western roof slope. The panels will be used to supplement the power to the new facilities as well as the Dourdan Pavilion.
- 14.3.9** The proposed Multi-Use Games Area (MUGA) is in line with the existing use of the site and retains the openness of the space, providing better facilities for the community, allowing sport teams to have a lit games area for evenings and winter months, currently not available at the Recreation Ground. A well-lit area would encourage use at all times of year and provide further natural surveillance across the grounds which will help reduce the amount of anti-social behaviour in the park. The proposed MUGA is designed to Sport England specification for a 5-a-side football team.
- 14.3.10** The proposed toilet block and storage space are in line with the existing use of the site and in line with local and national policy in terms of the

principle of development. On that basis, subject to meeting design and other policy criteria, the proposal is considered acceptable in principle.

14.4 B) Design, Scale, Impact on character and Conservation Area

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

14.4.2 s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, seeks that LPAs assess proposals against matters of protecting or enhancing the character or appearance of the Conservation Area. The development proposals would preserve the character and appearance of the Conservation Area in accordance with ULP policy ENV1.

14.4.3 Both the proposed toilet block and storage unit are relatively small in scale and have been redesigned following comments from the Conservation Officer to ensure they would be more appropriate in the context of the conservation area. Ther than comments in regard to the design, the Conservation Officer has no objection to the principle of the proposed development. The specific details of the materials will be secured by way of condition to ensure a high-quality construction. On that basis it is considered that the proposal would not impact on the character of the area to such a degree to warrant refusal of the scheme.

14.4.4 Policy LC2 states that development proposals for sport facilities will be required to provide inclusive access to all sections of the community, regardless of disability, age or gender

14.4.5 The new toilet block will replace the existing toilet block which is in poor condition. The new toilets will provide 3 accessible unisex toilets and 1 disabled wheelchair accessible toilet. The proposed building will be required to be designed and constructed in accordance with Part M of the Building Regulations and the Disability Discrimination Act 1995 (Equality Act 2010). All door opening widths, ironmongery / sanitary ware heights etc will be in accordance with Part M. The proposal would therefore meet the criteria of policy LC2.

13.5 C) Impact on Neighbouring Amenity

13.5.1 Policy GEN2 states that development will not be permitted unless it would 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.

13.5.2 The site is close to residential properties, however there is already an existing car park on the site, and it is not expected that the extension and intensification of the car park will result in any material detrimental impacts to neighbouring properties over and above that already exist to

a level that would warrant refusal of the proposal. The trees closest to the residential properties to the southeast of the site would remain

13.5.3 Environmental Health have been consulted and have confirmed they have no principle objections but would like the details of the lighting to be secured by way of condition.

13.5.4 The scale of the proposed toilet block and storage unit, and the distance of the proposed buildings from the residential dwellings ensure there would be no detrimental impact on residential amenity by way of loss of privacy, loss of daylight, overbearing impact or overshadowing.

13.5.5 It is therefore concluded that, subject to condition, the proposed development accords with national policy and local policies GEN2 and GEN4 of the Uttlesford Local Plan (2005).

13.6 D) Access and Parking

13.6.1 The proposal includes the increase in parking provision to 70no. parking spaces and 4 accessible parking spaces. The proposal would also increase the size of the crossover and ensuring improved safety is achieved by securing the required visibility splays by cutting back planting at the entrance onto The Causeway. The proposed access remains as it was approved in the previous application.

13.6.2 The extension to the new car park is required to be redesigned to suit current parking standards. Uttlesford require developments to follow the Vehicle Parking Standards used throughout Essex County Council. These standards have been implemented within the new parking layout to ensure that spaces and reversing distances provide a suitable amount of room to park and manoeuvre safely within the car park and out onto the access street.

13.6.3 The proposal would meet the adopted parking standards for D2 use. It is considered that the road network is capable of carrying the traffic generated by the development and that the proposal will in fact meet increased demand, without compromising road safety. Essex County Council highway officers have no objection to the proposal subject to securing conditions. The proposal is therefore considered to accord with policies GEN1 and GEN8 of the Uttlesford Local Plan (2005).

13.7 E) Biodiversity and Trees

13.7.1 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.

13.7.2 A Preliminary Ecological Appraisal and Arboricultural Report have been completed and form part of the planning pack as part of this application. The PEA indicates the local habitats on the site and the likelihood of protected species being present and what affects the proposed development is likely to have on this. The Arboricultural report indicates the significance of the trees on site and the root protection areas. The report also covers certain maintenance that is required to some and recommendations for certain trees to be removed.

13.7.3 Essex County Council, Place Services, Ecology has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition.

13.7.4 At the time of writing the report, comments have not been received by the Council's Landscape Officer in regard to trees, though the Planning Officer concludes that the trees proposed to be removed are not of any significance nor would their removal have a detrimental impact on the character of the site and surrounding area.

13.7.5 The proposal is considered acceptable, subject to conditions, with regard to Policy GEN7

16. CONCLUSION

16.1 The principle of the proposed development on this existing recreation area is considered acceptable

16.2 The proposals would protect the openness of the site, the Conservation Area and the character and appearance of the surrounding settlement.

16.3 The proposed development would enhance the existing site in terms of providing more appropriate toilet and storage facilities and increased parking spaces for this well used site. It would also enhance the recreational facilities of the site through the provision of the MUGA.

16.4 Essex Highways, the Lead Local Flood Authority, Essex Place Services Ecology and Conservation, Sport England and Environmental Health support the proposed development.

16.5 The proposal on balance is considered acceptable.

17. CONDITIONS

17.1 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 their first use on site, samples of the materials to be used on the external finishes (including hard landscaping) shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

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 mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Ltd, October 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

- 4 Prior to occupation a Biodiversity Enhancement Strategy for bespoke biodiversity enhancement measures, submitted by a suitably qualified ecologist in line with the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Ltd, October 2023), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

- 5 Prior to occupation, a “lighting design strategy for biodiversity” in accordance with GN: 08/23 (ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- 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
- 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.

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

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

- 6** Prior to the commencement of the multi-use games area, a scheme setting out the following:
- a) assessment of spill light contours, horizontal and vertical luminance and glare
 - b) Type, design, lux levels height and location of lights
 - c) Measures to control glare and overspill light
 - d) Measures to ensure lights are switched off when not in use, has The fitting options shall aim to provide good lighting solutions, minimising spill light and glare. In the event that shielding of the pitch or the light source from sensitive receptors is required, this shall be incorporated into the proposed lighting scheme.
- Details shall be submitted to and approved in writing by the Local Planning Authority. After commencement of use of the multi-use games area, the sports lighting shall be operated in accordance with the approved scheme.

REASON: To balance illuminating the multi-use games area for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with policies GEN2 and GEN4 of the Uttlesford Local Plan (2005).

- 7** No development shall take place until a Construction and Demolition 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 interest of protecting residential amenity and to accord with policies GEN2 and GEN4 of the Uttlesford Local Plan (2005).

- 8** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority 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 end users and to accord with policy EMV14 of the Uttlesford Local Plan (2005).

- 9** No development shall take place until details of security measures have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- 1) prevention of climbing onto the roofs the structures
 - 2) external lighting provision
 - 3) proposed CCTV
 - 4) intruder alarm (storage facility)
 - 5) maintenance and management of site (including proposed hours of the toilets being open)
 - 6) vandal resistant toiletware
 - 7) consideration of anti-graffiti coatings to built structures.
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To ensure the development provides a safe and secure environment for both users of the site and local residents, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (2005).

- 10**
1. 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.
 2. 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.
 3. 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.
- All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON: The Essex Historic Environment Record identifies that the proposed development area contains potentially significant archaeological remains. A Roman road is recorded running north from the

Roman settlement at Great Dunmow towards Thaxted (EHER1185). The location of the road means that there is the potential for associated settlements or other occupation close to the road. A series of cropmarks known from aerial photography lie to the east of the development site are indicative of features associated with the adjacent river and its flood plain. To the north of Lime Tree Hill a series of Roman burial mounds are located indicating occupation of this period in the area. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (2005).

- 11** 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, and in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 12** Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the north (as measured from and along the nearside edge of the carriageway) and 2.4 metres by 43 metres to the south, as measured from the nearside edge of the carriageway to the centre line of the road. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: to provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety 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 Local Plan (2005).

- 13** Secure, covered cycle parking facilities as shown indicatively on LAP drawing no. 9169-30 rev P3 to be provided prior to first occupation of the development and retained at all times.

REASON: to ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 14** The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated circulation space 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, in consultation with the local highway 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 Policy GEN1 of the Uttlesford Local Plan (2005).

- 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 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 Local Plan (2005).

- 16** 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:

- Limiting the discharge from the site to 1 l/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. In accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

- 17** 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 on each parcel, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

- 19** 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. In accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

- 20** **Electric charging**

INFORMATIVES

EH:

Developers are referred to the Uttlesford District Council Environmental Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

HIGHWAYS:

(i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org

(ii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.

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

(iv) There shall be no discharge of surface water onto the Highway..

LLFA:

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)

- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below. <https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/> <https://www.thameswater.co.uk/developers>

- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.

<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse>

ANGLIAN WATER:

1. INFORMATIVE – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water,

under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Agenda Item 12



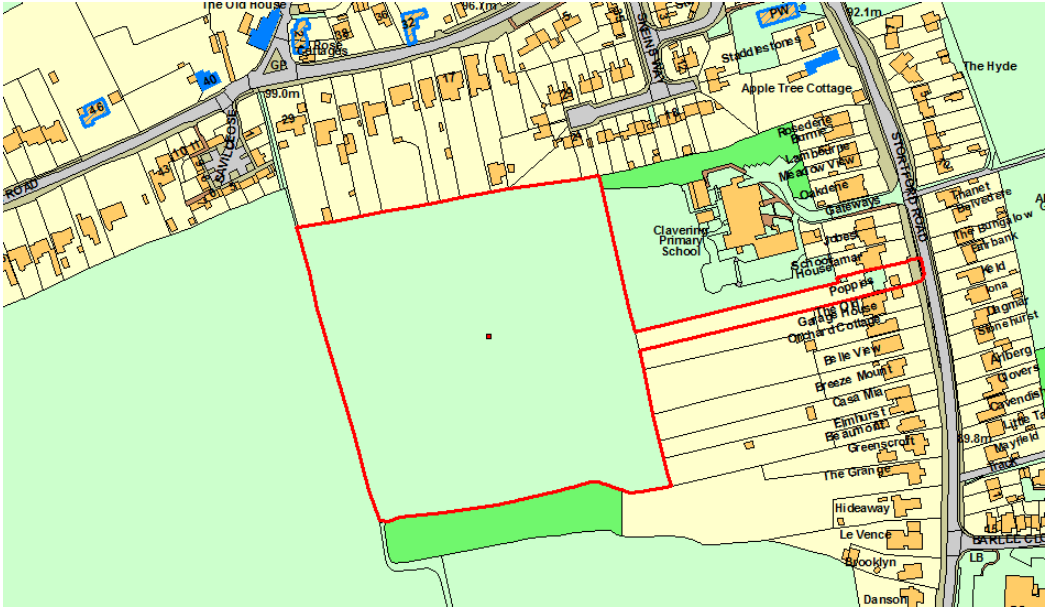
ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/23/2538/FUL

LOCATION: Land To The West of Stortford Road, Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 12/1/2024

PROPOSAL: S73 application to vary condition 20 (Widening of footway) of UTT/20/2639/OP (Demolition of Poppies and erection of up to 31 no. dwellings) in order to remove reference to widening of existing footway and replace with provision of new internal footpath to school

APPLICANT: Pelham Structures Ltd

AGENT: Pelham Structures Ltd (Mrs S Greaves)

EXPIRY DATE: 10th January 2024

EOT Expiry Date: 12th February 2024

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

- 1.1** The proposal includes the variation of condition 20 attached to UTT/20/2639/OP. The variation of this condition enables the revision of the pedestrian access, including introduction of new pedestrian access, location of crossing point and resurfacing of the existing foot way.
- 1.2** The variation of condition 20 is considered acceptable and will provide an appropriate access in terms it will meet all the needs of the potential users. The proposed works will not result in any harmful impact to the character and appearance of the original approved scheme. Furthermore, the proposed revisions will not result in any harmful impact to the amenity of the occupants of neighbouring properties.
- 1.3** The proposed variation of condition 20 is acceptable and in accordance with ULP Policies S7, GEN2, GEN4 and the NPPF.
- 1.4** In compliance with paragraph 9.7 of the previous S106 agreement or planning application UTT/20/2639/OP if the Council agrees in writing following an application under section 73 of the 1990 Act to vary or release

of any condition contained in the Permission or the existing deed shall be deemed to bind the varied permission and to apply in equal terms to the new permission, unless UDC indicate that the amendments require a separate deed of variation is required. It is considered this is not the case.

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 consists of residential development currently under construction located to the west of Stortford Road in Clavering. The site is accessed from Stortford Road via a new access constructed on the site of a previous dwelling (Poppies). To the east of the main site is Clavering Primary School and to the north of the site are the residential properties along Pelham Road.

3.2 To the west of the application site a public right of way joins the north of the site (Pelham Road) to the south of the Clavering.

4. **PROPOSAL**

4.1 This application seeks to vary condition 20 of UTT/20/2639/OP to allow for the revision of plot 16. The revision includes changes of design and floor space to accommodate accessible ground floor accommodation for then future occupier of the dwelling.

4.2 Approved Condition 20 states:

“Prior to first occupation the footway between the new access road and the school shall be widened to a minimum of 2m (as shown in principle in drawing number 473.HW01A (June2018)) and drop kerb crossing points provided across Clavering Road (as shown in principle in drawing number 473HW04A)

REASON: 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 ULP Policy GEN1”

Proposed Varied Condition:

The scheme of highway works in the vicinity of the site including:

- Footway between the new access road and the existing school access at Gateways shall be resurfaced.
- 2no. dropped kerb crossing points provided across Clavering Stortford Road (as shown in principle in drawing number 473HW18C).
- Provision of a 2m wide footway built to adoptable standards along the access road from Stortford Road to the new pedestrian access point to Clavering Primary School.

This shall be delivered prior to the first occupation of the approved development and not changed without prior written permission from the Local Planning Authority.

REASON: 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 ULP Policy GEN1.

4.4 The proposal includes the following changes to the approved plans:

Approved	Plan Number	Revised Plan	Plan Number
PROPOSED ACCESS DETAILS	473.HW01A	473.HW18C	FOOT PATH WORKS
		473 x 019B	PROPOSED LOCATION WORKS
PROPOSED SITE ACCESS DETAILS	473.HW04A		

4.5 The proposed changes to the condition will enable:

- Provision a new direct pedestrian access to the school,
- Change of location of crossing point,
- Resurface of existing foot path,
- To be provided prior to the first occupation of the development.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/20/2639/OP	Outline application with all matters reserved except for	Approved

	access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces for the adjacent school	
UTT/22/1103/DFO	Details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale	Approved
UTT/23/0621/NMA	Non material amendment to UTT/22/1103/DFO - revisions to plans and elevations for plots 7 and 15.	Approved
UTT/23/0623/NMA	Non material amendment to UTT/22/1103/DFO - amendments to plans for garages, amendments to plot 2 (sunroom windows), plots 9 and 29 (roof materials), plot 10, 11, 30 and 31 (window and doors arrangements) plots 12 and 18 (cladding).	Approved
UTT/23/0999/NMA	Non material amendment to UTT/22/1103/DFO (following approval UTT/23/0621/NMA) - amendments to plot 7 and plot 15.	Approved
UTT/23/0574/FUL	Variation of Condition 1 (the development shall be carried out in accordance with the approved plans) of UTT/22/1103/DFO to allow for the revision of the site plan and the revision of the floor plans and elevations for plots 7 and 15 and other revisions to the layout of the development.	Approved

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 **Highway Authority**

8.1.1 No objections raised as per the proposed revised condition.

8.2 **Lead Local Flood Authority**

8.2.1 On reviewing the proposed amendment, we consider that it will have negligible impact on the site drainage, and we therefore do not wish to comment in this instance.

9. **PARISH COUNCIL COMMENTS**

9.1 The Parish Council seeks reassurance that

1. the moving of the existing school entry gates is approved by Clavering Primary School

2. Clavering Primary school is in agreement to the new enclosed footpath and new entry gate which is to be sited near to the access road for the new housing development.

3. any costs in relation to these works to the school entry points will be borne by the developer

4. the land where the footpath is to be placed is owned by the developer, as it has been understood that this is owned by Essex County Council and forms part of the Clavering Primary school site.

Clavering Parish Council take this opportunity to remind Uttlesford District Council Planning Department that it commented on the unsuitability of the road and footpath access to the development previously.

10. **CONSULTEE RESPONSES**

10.1 **UDC Housing Enabling Officer**

10.1.1 No objections or further recommendations.

10.2 **Thames Water**

10.2.1 Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted

10.3 **UDC Heritage Officer**

10.3.1 No Objections, the proposed change of condition will not have an impact on any designated heritage assets

10.4 **BAA – Aerodrome Safeguarding**

10.4.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection to this Variation.

10.5 UDC Environmental Health

10.5.1 The Environmental Protection Team have no objection to the proposed variation.

10.6 ECC Ecology

10.6.1 No objections subject to conditions.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 286 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 No comments received.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 The Development Plan

12.3.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)

Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

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

13.3 Supplementary Planning Document or Guidance

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) Character and Appearance**
B) Access
C) Amenity
D) Infrastructure

14.3 **A) Character and Appearance**

14.3.1 ULP Policy GEN2 considers the design of development and advises development will not be permitted unless is compatible with the scale, form, layout, appearance and materials of surrounding buildings

14.3.2 Paragraph 135 (b) of the NPPF advises planning decision should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

14.3.3 The proposed revision includes the introduction of an additional pedestrian access to Clavering Primary School with 2m fencing and gate into the school. This this is not considered to be out of place within the proposed location or an appearance that will have a detrimental impact to the character of the development and surrounding area.

14.3.4 As such it is considered the character and appearance of proposed development are acceptable and in accordance with ULP Policies S7, GEN2 and the NPPF.

14.4 **B) Access**

14.4.1 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets 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 networks,
- c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway,
- d) It must be designed to meet the needs of people with disabilities,
- e) The development encourages movement by other means other than driving car.

14.4.2 Paragraph 104 of the NPPF (2023) states 'planning decisions should protect and enhance rights of ways and access including taking opportunities to provide better facilities.

- 14.4.3** The proposed foot path will provide a pedestrian link directly from the new parking area into the school. Part c and d of ULP Policy GEN1 considers the safety implications of proposed accesses within development. Also the Essex Design Guide and Urban Place Supplement Planning Document (2007) advises development should meet the needs of all users across their lifetime with ranging abilities
- 14.4.4** The design and location of the foot path will provide an appropriate access that will meet the need of all users, the access will also be conveniently located near parking spaces that ensure users will not have to walk along Stortford Road. Furthermore, the change in location of the crossing point is considered acceptable.
- 14.4.5** In terms of the existing foot path along Stortford Road, previously this was proposed to widen to 2m and resurfaced. Following the approval of, previous planning application it has been confirmed that due to the constraints of the site the widening of the cannot be delivered.
- 14.4.6** It is still the intension to resurface the existing foot path along Stortford Road, however, not to widened. The introduction of the new side access will help mitigate this matter and provide an alternative access to the school.
- 14.4.7** As such it is considered the foot path will meet all the needs of the potential users will be in accordance with ULP Policy GEN1.
- 14.5 C) Amenity.**
- 14.5.1** Paragraph 135 (f) of the NPPF advises planning decision should ensure developments include a high standard of amenity for existing and future users.
- 14.5.2** ULP Policy GEN2 considers the design of development and advises development will not be permitted if it results in an adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy.
- 14.5.3** ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties.
- 14.5.4** The proposed revisions include the introduction of new foot way access, although this will be located to the rear of the existing dwelling of Tamar, there is some distance between the access and rear garden area of the dwelling. The access will only increase in a pedestrian movement within the existing school site, it is not considered these will result in any significant intensification of use, noise or disturbance. The Council's Environmental Health Officer has been consulted in regard to the proposals; no objections or further recommendations have been raised.

14.5.5 In regard to amenity, it is considered the revisions of the approved scheme will not have any unacceptable impact to neighbouring residential amenity and would accord with ULP Policies GEN2, GEN4 and the NPPF.

14.6 D) Infrastructure

14.6.1 Policy GEN6 seeks Infrastructure provision to support development which is towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development.

14.6.2 Contributions should be CIL compliant and meet the provisions of National Planning Policy. In accordance with Paragraph 57 of the NPPF, Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

14.6.3 This application varies condition 20 of the previous planning approval for revision the pedestrian access. It is considered these details do not change the principle of the development or details of the original S106.

14.6.4 As such in compliance with paragraph 9.7 of the previous S106 agreement or planning application UTT/20/2639/OP that confirms if the Council agrees in writing following an application under section 73 of the 1990 Act to vary or release of any condition contained in the Permission or the existing deed shall be deemed to bind the varied permission and to apply in equal terms to the new permission.

14.6.5 Taking the above into account it is considered that the application provides sufficient infrastructure to support the proposed development. It is therefore concluded that the proposal accords with Policy GEN6.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

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

15.2 Human Rights

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

16. CONCLUSION

- 16.1** The variation of condition 20 is considered acceptable. The revisions that include the introduction of new foot path access and proposed works to the existing foot path along Stortford Road will provide an appropriate access in terms it will meet all the needs of the potential users.

- 16.2** The proposed works will not result in any harmful impact to the character and appearance of the original approved scheme. Furthermore, the proposed revisions will not result in any harmful impact to the amenity of the occupants of neighbouring properties.

- 16.3** The proposed variation of condition 20 is acceptable and in accordance with ULP Policies S7, GEN2, GEN1, GEN4 the NPPF.

17. CONDITIONS

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

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

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the 21st December 2024.

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. carried out in accordance with the above details

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

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

- 4** The development hereby approved shall be carried out in accordance with the sustainable drainage details submitted and approved under discharge of conditions application UTT/22/2393/DOC

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 and in accordance with ULP Policy GEN3 and the NPPF.

- 5** Prior to the commencement of the development hereby approved a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

The development hereby approved shall be carried out in accordance with the drainage details/ scheme of offsite drainage and flooding caused by surface water run-off and groundwater submitted and approved under discharge of conditions application UTT/22/2393/DOC

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution, in accordance with ULP policy GEN3 and the NPPF

- 6** Prior to occupation of the development hereby approved a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. 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 and in accordance with ULP policy GEN3 And the NPPF.

- 7** 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 and in accordance with ULP policy GEN3 and the NPPF.

- 8** Prior to the occupation of the development hereby approved one of the following shall be submitted has been agreed with the Local Planning Authority in consultation with Thames Water.

Details of confirming the capacity exists off site to serve the development

Development and infrastructure phasing plan

All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

The development will be constructed in strict accordance with the approved details unless written permission is given from the Local Planning Authority.

REASON: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents, in accordance with ULP policy GEN3 and the NPPF

- 9** A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP policy ENV13 and paragraph 105 of the NPPF

- 10** 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 'Model Procedures for the Management of Land Contamination, CLR 11'. 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 ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP policy ENV14.

- 11** The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

- 12** No additional fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts to neighbouring properties. Additional lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To minimise any potential impacts to neighbouring properties in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

- 13** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (A. R. Arbon, January 2021) and Bat Survey report (Essex Mammal Surveys, March 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP policy GEN7.

- 14** The development hereby approved shall be carried out in accordance with the Farmland Bird Mitigation Strategy details submitted and approved under discharge of conditions application UTT/22/2393/DOC

REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7

- 15** The development hereby approved shall be carried out in accordance with the biodiversity enhancement strategy submitted and approved under discharge of conditions application UTT/22/2393/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.

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

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

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

- 17** The development hereby approved shall be carried out in accordance with the construction management plan submitted and approved under discharge of conditions application UTT/22/2393/DOC.

REASON: To ensure that the construction of the development is in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 18** Prior to first occupation of the development the vehicular access shown in principle in drawing number 473.HW01A (June 2018) shall be constructed at right angles to the highway boundary and to the existing carriageway with associated visibility splays of 2.4 by 43m both directions. The width of the access at its junction with the highway shall

not be less than 5.5 metres with 2 x 2m wide footway and radii of 6m and a dropped kerb pedestrian crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 19** The development hereby approved shall be carried out in accordance with the scheme of traffic calming submitted and approved under discharge of conditions application UTT/22/2393/DOC.

REASON: 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 ULP Policy GEN1.

20 Proposed Varied Condition:

The scheme of highway works in the vicinity of the site including:

- Footway between the new access road and the existing school access at Gateways shall be resurfaced.
- 2no. dropped kerb crossing points provided across Clavering Stortford Road (as shown in principle in drawing number 473HW18C).
- Provision of a 2m wide footway built to adoptable standards along the access road from Stortford Road to the new pedestrian access point to Clavering Primary School.

This shall be delivered prior to the first occupation of the approved development and not changed without prior written permission from the Local Planning Authority.

REASON: 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 ULP Policy GEN1.

- 21** Vehicle and cycle parking shall be provided in accordance with the Essex Parking Standards (2009) and UDC Residential Parking Standards (2013).

REASON: To parking is provided in the interest of highway safety and amenity 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.

- 22** 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.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1

- 23** The development hereby approved shall be carried out in accordance with the field evaluation submitted and approved under discharge of conditions application UTT/22/2393/DOC.

REASON: The historic environmental record indicates that the proposed development site lies within an area known to contain highly sensitive heritage assets, the most significant being the Scheduled Monument of Clavering Castle (SM 14343).

Appendix 1- Highway Authority

This is considered acceptable.

Proposed Condition

The scheme of highway works in the vicinity of the site including:

- Footway between the new access road and the existing school access at Gateways shall be resurfaced.
- 2no. dropped kerb crossing points provided across Clavering Stortford Road (as shown in principle in drawing number 473HW18C).
- Provision of a 2m wide footway built to adoptable standards along the access road from Stortford Road to the new pedestrian access point to Clavering Primary School.

Shall be delivered prior to the first occupation of the approved development and not changed without prior written permission from the Local Planning Authority.

REASON: 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 ULP Policy GEN1.

Rachel McKeown

Strategic Development Engineer

Appendix 2- Lead Local Flood Authority

To: Planning <planning@uttlesford.gov.uk>

Subject: [External] >> SuDS consultation on application UTT/23/2538/FUL

Dear Sir/Madam

Thank you for consulting the SuDS team on the above application.

We consider that the proposed change of condition will have negligible impact on site drainage, and so we do not wish to comment in this instance.

Regards

Richard Atkins
Development and Flood Risk Officer

Agenda Item 13



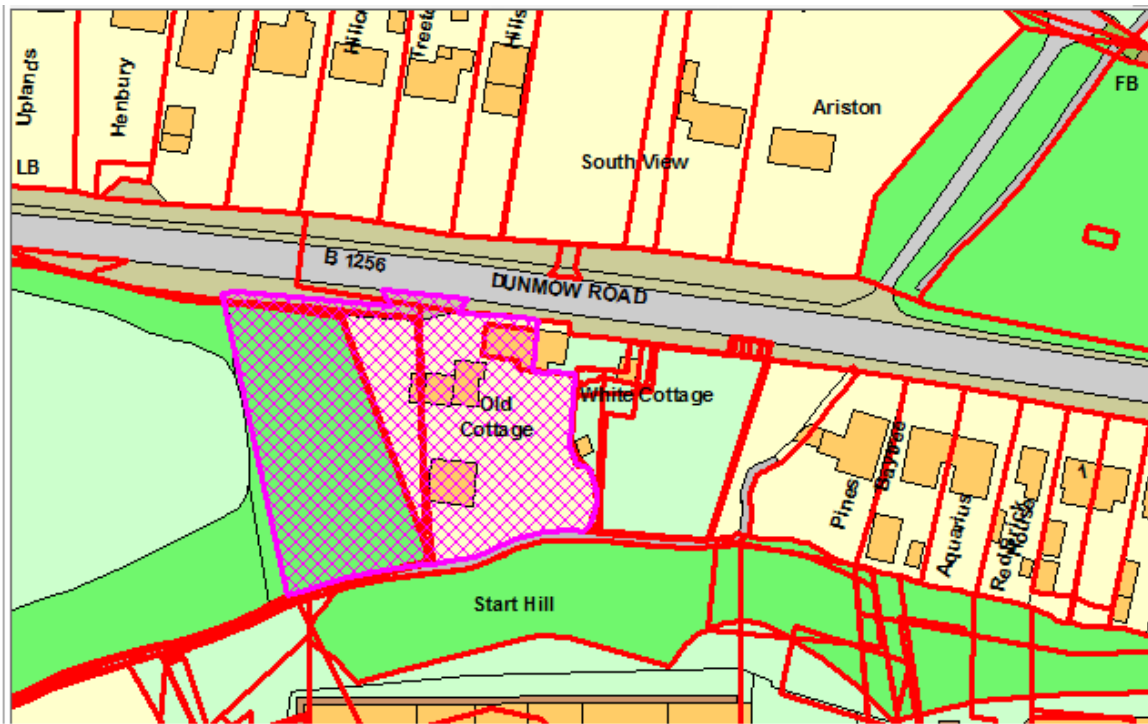
ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 07 February 2024

REFERENCE NUMBER: UTT/23/1950/FUL

LOCATION: Old Cottage, Start Hill, Stane Street, Great Hallingbury

SITE LOCATION PLAN:



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Organization: Uttlesford District Council Date: January 2024

PROPOSAL: Closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 dwellings.

APPLICANT: The Spartan Group Holdings Ltd and PMJ Services Ltd

AGENT: Bruce O'Brien - Aitchison Raffety Ltd

EXPIRY DATE: 26.09.2023

EOT Expiry Date 26.09.2023

CASE OFFICER: Matt Kolaszewski

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Within a small village and a proposal for over 5 dwellings

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 **APPROVE** permission subject to;
- A) CONDITIONS as set out in section 17

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site consists of approximately 0.3 hectares, is located to the south of Dunmow Road (B1256). There is a semi-detached dwelling

set back from the road in a north-eastern position within the site. There are other outbuildings scattered on the parcel of land.

3.2 A single vehicle crossover located along Dunmow Road (B1256) provides vehicle access to the site.

3.3 There are residential properties to the west of the site which are linear in form along the B1256. A nearby site to the west of the application site was granted planning permission under Planning Appeal Ref: APP/C1570/W/21/3268990 following the refusal of planning application LPA Ref: UTT/20/1098/FUL for the construction of 15 new dwellings including 6 affordable, vehicular access, parking and landscaping and other associated works.

3.4 Beyond the site, to the west along Dunmow Road is a petrol station, which also contains a convenience store. There are bus stops on both sides of the B1256 close to the site.

3.5 To the rear of the site (south) is a belt of protected trees and a brook.

4. PROPOSAL

4.1 The application seeks formal planning permission for the erection of nine dwellinghouses and the creation of a new access point from the highway following the closing-up of an existing access.

4.2 The site would include a mixture of dwellinghouses to include 3 x 4-bedroom houses, 1 x 2-bedroom house, and 5 x 3-bedroom dwellings. There is no requirement for affordable housing provision. Each dwelling shall have a minimum of two parking spaces. The site shall include two parking spaces for the host dwelling 'Old Cottage' and two visitor parking spaces. All 3 and 4 bedroomed dwellings have more than 100m² private amenity space, and the 2 bedroomed properties shall have more than 50m².

4.3 The proposed density would be 27 dwellings per hectare.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1 UTT/21/3339/FUL - Proposed erection of 7 no. dwellings including the closure of existing access, creation of new access and associated infrastructure. Permission granted on 28/06/2022.

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. However, no pre-app advice was sought or public engagement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection, subject to conditions

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions. The access and highways proposals remain very much like those of the extant permission ref: UTT/21/3339/FUL.

9. Great Hallingbury Parish Council Comments – Object.

9.1 Resolved to object on the following grounds:

i) Plot by plot houses are being demolished and the land being slowly disappearing.

(ii) Start Hill is within the CPZ and is dramatically overdeveloping. Our Countryside (S7) and the Character (S8) of this area is being challenged by the development of small scale housing estates.

(iii) We see many issues arising from this. Great Hallingbury and Start Hill are suffering constantly low mains water pressure. Affinity water will not take responsibility and admit that the water supply in this area is compromised, yet we are seeing more and more developments being built. Our current residents are seeing low pressures at their taps, so low that their heating boilers won't ignite due to insufficient mains water pressure. With all these planning applications we never see any response from Affinity Water. They are not consulted but we anticipate a lame response. Thames Water are consulted but they are not responsible for our water supply. On the contrary they are responsible for mains drainage and yet most properties in our parish have their own cesspit/septic tanks. All the utilities have not increased to cope with a growing population. Unfortunately, we had a recent local house fire at 02:30 am, the fire brigade reported low mains pressure at the hydrant as they struggled to calm the flames.

(iv) We are not opposed to new developments per se, but we cannot continue to see our residents disadvantaged with the hindrance of poor utilities that we can only see being exasperated by more development.

(v) Also, the B1256 is a fast unlit and ever busier 40mph main road increasing occupancy in concentrated building developments is going to increase traffic and accidents from the number of vehicles pulling onto the Dunmow Road.

(vi) The ground of the access in this application slopes down dramatically and makes the access dangerous exiting the plot.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No Objection.

10.1.1 No concerns raised in relation to contamination and air quality. However following concerns raised regarding noise:

10.1.2 The service was asked for comment on application ref: UTT/21/3339/FUL, and the comments regarding noise remain the same. The NIA submitted in support of this application is largely similar to that submitted previously, and all mitigation measures remain the same. As such I have pasted previous comments below:

10.1.3 This Service has concerns regarding the proposed development and consider that it is not well suited for its proposed use. The proposed dwellings are close to Stanstead Airport and will be subject to high levels of aircraft noise as it is situated within the 66dB(A) day contour and 63dB(A) night contour provided by Stansted Airport.

10.1.4 The dB Consultation Ltd noise assessment Ref: 10699 provided with the application has proposed suitable building facade sound insulation and ventilation mitigation to ensure internal noise levels achieve national and local guideline standards but this can only be achieved with whole house ventilation and without opening windows. The report goes on to say that some internal noise levels may exceed the recommended maximum noise level criteria and would range from 40dB(A) to 54dB(A).

10.1.5 In addition, external amenity spaces will be subject to aircraft noise for significant periods of time, which are significantly above guideline levels. Aircraft noise cannot be mitigated so those external amenity noise levels will remain very high. There may be local requirements and demand for housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective. Should approval be granted, the following condition should be imposed:

10.1.6 The development hereby permitted shall be constructed in strict accordance with the construction details provided in Section 7 of the acoustic report submitted by dB Consultation Ltd reference 10699 dated 11/07/2023. The building construction shall thereafter be retained as approved. None of the dwellings shall be occupied until such a

scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Summary of Objections

11.2.1 None received.

12. MATERIAL CONSIDERATIONS

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

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

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,

- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 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) Archaeology**
- E) Access and Parking**
- F) Nature Conservation**
- G) Climate Change**
- H Contamination & Noise**
- 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. The principle of residential development on this site has already been accepted in the granting of extant planning permission ref: UTT/21/3339/FUL in 2022.

14.3.4 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. The proposed housing mix contains 3 x 4-bedroom houses, 1 x 2-bedroom house, and 5 x 3-bedroom dwellings. Two of the 3-bedroom dwellings are arranged as semi-detached pairs of dwellings, which should assist with affordability. Given this mix, the site complies with the requirements of Local Plan policy H10. There is no requirement for affordable housing provision.

14.3.5 Development Limits

14.3.6 An area of land that surrounds the boundary of Stansted Airport is a designated as a Countryside Protection Zone (CPZ). It is defined on the adopted Uttlesford Local Plan (2005) Proposals Map. The CPZ attracts its own policy requirements as stated within policy S8 of the Uttlesford Local Plan (2005). The intention of the CPZ is to provide a green 'lung' around Stansted Airport as a non-statutory 'mini-green belt' as described in the 2016 LUC study to preserve the zone from undesirable and incursive development. In 2016, Uttlesford District Council commissioned a 'Countryside Protection Zone Study' (LUC, 2016) which identified one area of the CPZ as 'Parcel 1 - Tile Kiln Green'. The site lies within 'Parcel 1'. Local Plan policy S8 relates to CPZ protection, and the study sought to test the robustness of the policy and to identify land which should be retained within the zone due to the contribution made to the zone in terms of various defined purposes.

14.3.7 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.

14.3.8 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.

14.3.9 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.

14.3.10 As note elsewhere in this report, the site already benefits from a planning permission for 7 houses (ref: UTT/21/3339/FUL). The current proposal seeks to increase this to 9 units by reconfiguring the development. The principle of residential development has been accepted in this context. It is considered that the addition of 2 houses does not have a bearing in this regard and therefore the application is considered acceptable.

14.3.11 Suitability and Location

14.3.12 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.

14.3.13 Although outside the settlement boundaries of Great Hallingbury, 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.

14.3.14 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.

14.3.15 NPPF Policy Position

14.3.16 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.

14.3.17 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.

14.3.18 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.

14.3.19 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 Given the location of the site, Local Plan Policy S7 (The Countryside) applies as a material and relevant consideration in the planning balance. 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 Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the 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.

14.4.3 However, the weight attributed to S7 is limited due to its more restrictive approach when compared to the supportive ethos of the Framework which recognises that community needs are important and that inaccessible sites may have to be used to meet such needs and that development may have to take place in rural areas to ‘maintain the vitality of rural communities’.

14.4.4 It is also a material consideration that the wider development of the site has an extant planning permission for 7 dwellings and that the proposed development would provide a modest uplift of two dwellings to nine dwellings.

14.4.5 The matter turns then to whether the inclusion of a further two dwellings on the site would cause significant harm to the character and appearance of the rural site, above and beyond any harm that may be caused by the extant permission.

14.4.6 It is considered that the increase in built form would not be significant and the developed would retain its previously approved character, which has been found to be commensurate with the rural surrounds. The site has enough space to include nine dwellings within the layout and any

pressures by way of over-development are not recognised. The scheme would provide adequate amenity and parking provision and communal circulation areas. The proposed dwellings would be of sympathetic and traditional forms and materials.

14.4.7 The proposal of 9 dwellings would result in the introduction of built form where there is none currently. 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 The proposed layout demonstrates adequate space between dwellings. Furthermore, the proposed scheme consists of a mix of detached and semi-detached dwellings that shall have variations in scale, design, and materials. Each of the new homes will be with at least one EVC point.

14.5.4 Paragraph 130 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings; Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

14.5.5 The proposed development has been designed so that there would be no material detrimental impact on the living conditions of the occupants and future occupants of dwellings on the site or those nearby, by way of overlooking, overshadowing or overbearing impact; the layout, scale and design of the proposed dwellings are appropriate for this site and the proposal complies with national and local amenity policy criteria.

14.5.6 The materials to be used within the proposed dwellings shall comprise combinations of red brick walls and plinths, render and weatherboard walls and grey and red roof tiles. Fenestration would be UPVC or composite. The architectural forms to be used would be traditional and congruent with the area. The spacing between dwellings and the orientation of each dwelling would form a layout that is functional and

aesthetically acceptable; there would be no harm caused to residential amenity by way of the development.

14.5.7 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposal would not result in a material detrimental impact on the living conditions of the occupants and future occupants of dwellings on the site or those nearby, by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide. The layout, scale and design of the proposed dwellings are appropriate for this site and the proposal would comply with the broader aims of Paragraphs 130, and 174 of the NPPF (2021) and Local Plan policies H10 and 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 proposal would not result in a material detrimental impact on the living conditions of the occupants and future occupants of dwellings on the site or those nearby, by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide. 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) Archaeology**

14.6.1 Archaeology

14.6.2 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.

14.6.3 The previous application at the site (for 7 dwellings) was assessed by County Council Archaeologists. It was found that the Historic Environment Record indicated that the development site is immediately adjacent to the main Roman Road from Colchester to Braughing (EHER

4697). Therefore, it was decided that there is potential at the site for there to be a roadside settlement of either a Roman and or a Medieval date. Other sites excavated on the edge of this road have produced evidence comprising both field systems and settlement evidence from these times.

14.6.4 To the northeast of the development area medieval occupation (EHER 6722) was identified during development of the airport. In a recent investigation immediately to the east, medieval and post medieval pottery has been excavated (EHER49531). There is the potential for surviving Roman, medieval, and post medieval archaeological deposits.

14.6.5 It was concluded by the Council that conditions for trial trenching, a written scheme of investigation and open area excavation were imposed on the decision of LPA Ref: UTT/21/3339/FUL.

14.6.6 Subsequently, a written scheme of investigation was submitted to the Council, archaeological fieldwork investigations were undertaken at the site, and the subsequent report of findings was produced. After a series of trial trenches were dug, no archaeological deposits of any historic value were discovered in this location and no further investigations were found to be required.

14.6.7 Therefore, because of the decision to grant discharge of condition application LPA Ref: UTT/22/3336/DOC, archaeological condition (3) of LPA Ref: UTT/21/3339/FUL was fully discharged. There have been no material changes to the development scheme that would alter the previous decision to discharge the archaeology condition (3) of LPA Ref: UTT/21/3339/FUL and it is considered that it would be onerous for the Council to impose such a condition again, were this application to be approved.

14.6.8 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

14.7.1 Access

14.7.2 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.

14.7.3 The extant permission at the site, granted under LPA Ref: UTT/21/3339/FUL, included the formation of a new vehicular access

from the main highway; the existing access onto the B1256 would be closed. Essex County Council Highways Authority assessed the proposed scheme and decided that the application was acceptable subject to conditions to ensure adequate visibility splays, access layout, footpath reinstatement, parking provision, surface treatments, travel pack submission and a Construction Management Plan.

- 14.7.4** There are no material changes to the access arrangements, other than a change in design of the internal roadway, between the extant permission and the proposed application. Given this, the application meets the requirements of Local Plan policy GEN1. The proposed development comprises a mixture of two, three- and four-bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.
- 14.7.5** Each of the proposed dwellings would be able to meet the required parking standards and two visitors parking spaces would also be provided. Given the above parking provision, the proposed development complies with the requirements of Local Plan policy GEN8.
- 14.7.6** 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.'
- 14.7.7** 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 F) Nature Conservation

14.8.1 Nature Conservation

14.8.2 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.

14.8.3 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

14.8.4 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.

14.9 G) Climate Change

14.9.1 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.

14.9.2 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.

14.9.3 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.

14.10 H) Contamination & Noise

14.10.1 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.

14.10.2 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.

- 14.10.3** Given the proximity of the site to Stansted Airport, and the need for the proposed development to comply with the requirements of Local Plan policy ENV10 (Noise Sensitive Development and Disturbance from Aircraft), a noise assessment is provided to demonstrate adequate noise mitigation for the future occupants of the site.
- 14.10.4** Suitable building facade sound insulation and ventilation mitigation shall be used to ensure internal noise levels achieve national and local guideline standards, but this can only be achieved with whole house ventilation and without opening windows; however, some internal noise levels may exceed the recommended maximum noise level criteria and would range from 40dB(A) to 54dB(A).
- 14.10.5** Outdoor amenity spaces will be subject to unmitigated aircraft noise for intermittent periods of time. Given the above, and after assessment by Environmental Health Officers, the previous decision at the site (LPA Ref: UTT/21/3339/FUL) was granted with a condition (4) that construction of the dwellings shall be undertaken in accordance with the details provided in the acoustic report submitted with the application (dBC Consultation Ltd reference 10297 dated 17/09/2021).
- 14.10.6** BAA Aerodrome Safeguarding have raised an objection to the proposals based on the effect of aircraft noise on future residents. Whilst the objection is noted, the Council's Environmental Health team have stated that that whilst there are noise concerns these can be mitigated with the addition of a planning condition. Furthermore, the principle of residential on this site has already been established and it is considered that the addition of just 2 dwellings justifies a refusal on these grounds.
- 14.10.7** An updated noise assessment report has been submitted alongside this application (dBC Consultation Ltd reference 10699 Rev 2 dated 03/07/2023) and the applicant is happy to accept a condition alike to condition (4) of LPA Ref: UTT/21/3339/FUL and intends to carry out the scheme with suitable noise mitigation construction methods.

14.11. I) Flooding

- 14.11.1** 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.
- 14.11.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

14.11.3 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

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 and documents 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 1. 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.

2. 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.

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

Reason: To ensure the identification and protection of important underground archaeological deposits.

4 The development hereby permitted shall be constructed in strict accordance with the construction details provided in Section 7 of the acoustic report submitted by dBC Consultation Ltd reference 10297 dated 17/09/2021. The building construction shall thereafter be retained as approved. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect the amenity of the future occupants of the dwellings.

5 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and the natural 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, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The remediation scheme shall be implemented in accordance with the approved timetable of works and prior to the commencement of development other than that required to carry out the remediation, unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out, including photos as proof of works undertaken) must be submitted to the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

6 Infrastructure for a minimum of a single electric vehicle fast charging point shall be installed at each of the dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

Reason: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework.

7 During construction robust measures must be taken to control dust and smoke clouds.

Reason: Flight safety - dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

During construction, robust measures to be taken to prevent birds being attracted to the site. No pools or puddling of water should occur and measures should be taken to prevent scavenging of any detritus.

Reason: Flight safety - Birdstrike risk avoidance; to prevent any increase in the number of

hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

All exterior lighting to be capped at the horizontal with no upward light spill.

Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

No reflective materials to be used in the construction of these buildings.

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

No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be necessary.

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

8 Foul water and Surface Water drainage shall be installed in accordance with the details within Flood Risk and Surface Water Management Report (2005260-03, November 2021).

Reason: In the interest of flood prevention and the safe discharge of effluent.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

Reason: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the NPPF and Uttlesford Local Plan Policy GEN2.

10 Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
- viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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, GEN8, GEN7, ENV3 of the Uttlesford Local Plan (adopted 2005).

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

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

12 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey (T4 Ecology Ltd., October 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

14 Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Preliminary Ecological Appraisal Incorporating Bat Survey (T4 Ecology Ltd., October 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 prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

15 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, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and

maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

16 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 98 metres to the west and 2.4 metres by 107 metres to the east with a 1 metre off-set, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. 2005260-001 Rev. E (Proposed Access and Visibility Plan, dated 04/04/2022). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

17 Prior to occupation of the development, the provision of an access formed at right angles to B1256 Dunmow Road, to include but not limited to: minimum 6 metre carriageway width in combination with appropriate junction radii to accommodate the swept path of all vehicles regularly accessing the site and two 2 metre wide footways around the radius kerbs.

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.

18 Prior to occupation of any dwelling, the existing footway on B1256 Dunmow Road along the site frontage shall be reinstated to its former width, by removal of encroaching mud and vegetation, and make remedial repairs where deemed necessary by the Highway Authority.

Reason: In the interests of accessibility and pedestrian safety.

19 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.

20 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.

21 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.

22 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.

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.

23 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.

24 All first floor side facing windows shall be obscure glazed to a minimum of Pilkington Level 4 and fixed shut below 1.7m from finished floor level.

Reason: To protect the privacy of the future occupants of the dwellinghouses.

25 The garage building as shown on Plot 5 shall be used for the purposes of vehicle parking only and shall be retained for this purpose thereafter.

Reason: To ensure adequate parking provision in line with Local Plan policy GEN8.

26 Prior to slab level, the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

ADDENDUM LIST –Planning Committee 7TH February 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.

Item Number	Application reference number	Comment
6	UTT/23/3112/PINS Land North of Knight Park, Thaxted Road, Saffron Walden	NONE
7	UTT/23/3113/PINS Land West Of The Cricketers, Clatterbury Lane, Clavering	<p>UDC Principal Conservation Officer</p> <p>The proposal was submitted in Outline with full details reserved for future approval hence it is noted that design details are not required as part of this application. The Design and Access Statement (DAS) suggests that two distinct Character Areas have been designed, however the 'distinctiveness' is not clear on the illustrative masterplan. A development of this scale could produce a significant negative effect on the character and appearance of its countryside setting. Therefore, any new development requires exceptional architectural detailing to justify if on balance, the benefit outweighs the harm.</p> <p>The study to show the proposed outline massing in context is beneficial. The information provided suggests the development will be largely screened behind vegetation. However, it is not possible to comment further 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 affect the openness of the rural site. Further information about design quality is required to review if on balance, a development in this location can be justified.</p>
		Essex County Council- Archaeology: No objections
		UDC Urban Design Officer: The proposal is, in general terms, compatible with the surrounding buildings in terms of scale, massing, and form. However, with regards to layout, the proposal is an introverted, cul-de-sac type arrangement,

	<p>which is not the prevalent layout typology of Clavering, which, on the whole, has a more linear structure.</p> <p>As this is an outline application, there is currently insufficient information available at this stage to ascertain the proposals in respect of strategies to minimise water and energy consumption or waste reduction or recycling.</p> <p>The proposals are for a cul-de-sac type development accessed from a single point of entry and egress. As such, this form of development and its inherent layout are contrary to the linear, ribbon type development that has historically formed the village of Clavering. Furthermore, development of this scale with the limited outward connections and sustainable travel options will, in all likelihood, be overly reliant on cars for the majority of journeys. This coupled with the introverted nature of the layout risks creating a dormitory development that does not fully integrate with its neighbourhood.</p>
	<p>Parish Council</p> <p>Clavering Parish Council OBJECTS to the planning application as it is CONTRARY to the National Planning Policy Framework</p> <p>It FAILS all three tests of sustainability – economic, environmental and social. Is contrary to:</p> <ul style="list-style-type: none"> Para 11 Sustainable development Para 20d Conserving and enhancing the natural environment Para 40 Community Engagement Para 114a Access to Sustainable Transport Para 114b Safe and suitable access to the Site Para 116a b c & d Pedestrian and vehicle conflicts Para 124b Undeveloped Land Para 128c Maintaining an area’s prevailing setting Para 135c Sympathetic builds Para 180b Build contributing to and enhancing the natural and local environment Para 191c Introduction of artificial light <p>It must be remembered at all times that the existing development of Eldridge Close, opposite this development, was a brownfield site having been originally agricultural chicken sheds. These sheds</p>

		<p>were then converted to small seed-bed light industrial units, and as the sheds fell into disrepair the site came forward as a brownfield site. The then tenant businesses were re-located to updated premises on other farms/modern light industrial estates.</p> <p>This planning application is for a site which is in open countryside and which has been used for grazing for many centuries. Clavering Parish Council now demonstrates the reasons for the application failing and being contrary.</p> <p>There has been no Public Community Consultation with the Village of Clavering for this proposal comprising up to 28 dwellings, either by survey, public exhibition, or leaflet drop. Neither the applicant nor any agent has attended a monthly Clavering parish council meeting to bring forward any details of a planning application which has been seen previously for other developments proposed in Clavering.</p> <p>In November, the applicant emailed the Parish Council requesting a meeting and was advised of the protocol for a pre-application meeting. However, the applicant's S62A planning application was made 4th December 2023, as evidenced in their documentation, and so precluded any pre-Application consultation as they then attempted to instigate the protocol on 10th January 2024 via Uttlesford District Council.</p> <p>As mentioned, Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.</p> <p>Clavering is a village without 'connectivity' in respect of sustainable transport. There are no daily bus services all year round as the Parish Council has to state repeatedly when often presented with Applicants' Transport Statements claiming otherwise. This is confirmed and evidenced by an Essex County Council (ECC) Transport submission dated 15th December 2023 for another S62A submission (S62A/2023/0025) for a site off Eldridge Close in the same area of the village as this application. ECC's submission states there is no public transport and also clearly states given the location of the site (...) the only practical option will be the car. This should be taken into consideration by the Inspector when assessing the overall sustainability and acceptability of the site.</p> <p>For Clavering, the only bus services are the two school bus services in term-time alone which run one return journey to Saffron Walden and the same to Bishops Stortford – outward in the morning and</p>
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		<p>inward in the afternoon. There is NO connectivity for these school services with the rail stations at Newport nor Audley End. Further, these buses are designated for school children use only. It should be noted that the recent Essex Passenger Transport Review for Uttlesford does not introduce any new public daily bus service to Clavering.</p> <p>Though Essex County Council designates the position of safe bus-stops on the highway, a desk-top exercise clearly shows that in Clavering there is no regular bus service. The inaccurate use of a desk-top survey, rather than site and village visits, shows an inadequacy in the Transport Statement.</p> <p>Whilst it may be possible to cycle to the rail stations and local market towns, there are no safe cycle paths, and these are not easy either, given the topography of the surrounding countryside and its narrow winding roads with no central road-marking or designated, separated cycle paths.</p> <p>One route (via Hobbs Aerie (Arkesden) to Audley End) has already seen a cyclist killed in October 2020, with no fault apportioned to the car-driver nor cyclist.</p> <p>This is contrary to Paragraph 114a which indicates that there should be a promotion of access to sustainable transport.</p> <p>The UDC Draft Local Plan Reg 18 Consultation of last December details the Uttlesford Settlement Services and Facilities Study as an evidence base for its ongoing consideration of its Settlement Hierarchy and which is still under review.</p> <p>Though Clavering scores highly for having a school, village hall, two places of worship, pub, a 'destination restaurant with rooms', and even seven postboxes, the score for transport which contained 9 separate elements to be totalled was zero.</p> <p>Clavering Parish Council considers that the proposed accesses for vehicles and pedestrians are dangerous.</p> <p>The pedestrian access is sited on an extremely tight entry into the Stickling Green Road on a bend. Drivers travelling around this blind bend position their vehicles tightly to the current trees and hedging verge so as to avoid a possible collision with car exiting the same road.</p>
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		<p>A pedestrian will be blind to cars coming along Clatterbury Lane (aka Arkesden Rd) from the direction of the B1038.</p> <p>The proposed vehicle access is indicated to be moved from its current field entrance to a position closer to the blind bend on the Stickling Green Road.</p> <p>It is also known that 28 new dwellings in a rural area are recognised to generate at least 112 vehicle crossings per day at the access point to the main highway system. The expectation is that, on a probability of which is the least dangerous, any pedestrian will use the vehicular access and this brings about a conflict of pedestrians and vehicles.</p> <p>It is noted that no swept path analyses have been shown in this application. As UDC has larger than the usual refuse collection trucks, this must be demonstrated for an all matters except access application.</p> <p>It is also considered that any removal of the roadside boundary hedge and trees present in order to improve sight lines will cause harm regarding existing biodiversity.</p> <p>It is surprising that the hairstreak butterfly, which surveys have previously indicated to be present at this site given the Elm habitat, is not mentioned in the surveys of the current wildlife and the wildlife corridors.</p> <p>Further, the repositioned vehicle access planned for this narrow country lane is opposite the light industrial estate.</p> <p>One unit, being in a rural location, deals with farm vehicles including tractors. Low loaders as well as articulated trucks, which are unable to manoeuvre onto the site due to the narrow road, park on Stickling Green Road in order to off-load their goods using forklifts, & etc. where the development's new vehicle access is proposed.</p> <p>This places the proposed development's new vehicle access in conflict with the existing traffic using the road. Also, though Stickling Green is a country lane, it serves two large farms and is also a route to access neighbouring villages.</p> <p>The proposed development site is recognised as sitting in the Langley Chalk Uplands Landscape Character Assessment, which is acknowledged to have a high sensitivity to change.</p>
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		<p>This field to be developed has been under pasture for many years and Paragraph 124b of the NPPF acknowledges that undeveloped land can perform many functions, including supporting wildlife and for carbon storage.</p> <p>28 dwellings placed at this site will detract from the nature and existing character of the countryside of the Village of Clavering and will not recognise its intrinsic beauty and character.</p> <p>The proposed screening would be considered inadequate; it would also mean that the development will be highly visible in the countryside when viewed from footpaths and especially when trees are not in leaf. This proposed development remains a significant impact on the countryside.</p> <p>The site is close to the Conservation Area of Clavering; it is visible from the B1038 and also from the heritage asset, the Cricketers PH, when trees are not in leaf and adjoins Hill Green Farmhouse, a non-designated heritage asset.</p> <p>Any form of street lighting on the site to improve pedestrian safety would obviously have a negative impact on the wildlife of Clavering – which is obviously a very rural and does not have street lights.</p> <p>Regarding the three strains of Sustainability, this application fails as follows:</p> <p>Economic Role There is no long term contribution to the economy of Clavering as the application does not provide places of employment. Though it may be that the site could be developed by local contractors there is no guarantee of this.</p> <p>Environmental Role The proposed development has a significant impact on the countryside as detailed above and also does not introduce true, positive biodiversity. .</p> <p>Social Role Clavering was the RCCE Essex Village of the Year in 2014 and its vibrancy was cited. Throughout the Covid-19 pandemic the community worked together in many ways supporting other community members; its Platinum Jubilee & Coronation Celebrations were coordinated by parishioners – not with just the Parish Council at the helm.</p>
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		<p>There are thriving groups from Beavers and Cubs through Cricket and Bowls teams to a Drama Group, which has received awards from the National Operatic & Dramatic Association and whose village Christmas panto this year has some 50 participants, and a History Group, which carried out its own local archaeological dig in 2021 with one potentially to take place in 2025. This is clear evidence that there is no need to introduce housing to revitalise the village – which the Localism Act 2011 wished to do.</p> <p>It should also be noted that the centres of social activity, including the school, village shop and church are at greater distances from the proposed development than the 800m considered acceptable.</p> <p>A previous Planning Inspector considered this site for a development of 31 dwellings and dismissed the Appeal. See APP/C1570/A/12/2184181, UTT/0507/12/OP (UDC then had a 4.1 YHLS)</p> <p>There has been no change to the provision of the limited range and distribution of facilities in Clavering nor their location since this dismissed Appeal.</p> <p>The pedestrian route to the facilities has already been deemed unsafe. At the narrow section referenced in the appeal decision, the footpath/pavement is barely the width of a child's pushchair and is actually inaccessible for mobility scooter.</p> <p><i>The main road through the village, the B1038, also narrows at this point; the road has no central markings as it is so narrow and is also on a bend. Frequently, agricultural vehicles and other large vehicles pass each other by mounting the narrow pavement. It is for this reason that the children are bussed to Clavering Primary School from Eldridge Close (the brownfield site) as the route is not safe to walk.</i></p> <p><i>The Inspector of the dismissed Appeal stated: 'Most of the facilities are at the other, southern end of the village. At a fairly brisk walking pace, it takes about 20 minutes to reach the Primary School and probably another couple of minutes to enter the building. It takes about 24 minutes to walk to the supermarket/postoffice, and no doubt longer if accompanied by a child, buggy and a bag full of shopping on the way back.</i></p>
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		<p><i>The footpath is, however, narrow in places, and you never see parents walking through this section through the middle of the village is unsurprising. Thus the appeal site is not well located with regard to convenient access to the limited range and distribution of facilities towards the far end of the village. These circumstances would inevitably result in a greater use of private transport and a significant increase in traffic along village roads, ill-suited to accommodate it in terms of physical and environmental capacity.'</i></p> <p>It should be noted that there were limited public bus services at the time of this Appeal but these were withdrawn by ECC some years ago.</p> <p>There have been no alterations to the road nor pavement since this finding so from a social, as well as environmental, thread this is not acceptable as car use would be required.</p> <p>It should also be noted that there are no healthcare facilities in Clavering. The nearest doctor's surgery is 3 miles away in Newport along routes which have no pavements, whilst the dental surgeries are 6 miles away in Saffron Walden along similar routes. There is no public transport to these.</p> <p>At the date of its meeting 31st January, Clavering Parish Council had not seen any Section 106 agreement detailed for education, health & etc.</p> <p>It has been demonstrated that the proposed build fails all three strains of sustainability – so should not be permitted – even before the evidence of it causing harm to the countryside, its agriculture and its landscape, urbanisation, natural environment.</p> <p>With the exception of the now non-existent daily public bus service, Paragraph 15 of the Appeal Decision APP/C1570/A/12/2184181 still remains valid for this proposed developed.</p> <p>Clavering Parish Council (CPC) believes that the provision of housing at this site is not outweighed by the damage caused to the countryside.</p> <p>CPC pays heed to the opinion of an Inspector who indicated that 'Clavering is sustainable for certain locations' and this site is not such a location.</p> <p>Accordingly it is respectfully requested that this application should be REFUSED</p>

		<p>Planning History</p> <p>It is noted the planning history submitted to the Planning Inspectorate included details of planning application UTT/22/2917/OP, I confirm that application is not relevant to this current application site or proposed development. As such this will be confirmed to the Planning Inspector within the Council's written submission.</p>
		<p>Committee Report- Amendment</p> <p>Existing Paragraph 14.18.1 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.</p> <p>Revised Paragraph 14.18.1 The 5-Year Housing Land Supply (5YHLS) figure has been updated twice recently. In October 2023, the Local Planning Authority (LPA) published a 5YHLS figure of 5.14 years with the necessary 5% buffer. However following paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the LPA's housing requirement because of the updated HDT. This means that the current 5YHLS is 4.50 years (instead of 5.14 years). 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.</p>
8	UTT/22/3126/FUL	<p>Two attachments to the Takeley Parish Council consultation response were not uploaded to the website. These were:</p> <ul style="list-style-type: none"> - DEFRA guidance on Common land and town or village greens - A plan showing the extent of the Smiths Green Village Green (VG117) that covers the verges along the protected lane. <p>Officer comments: This has already been considered. The village green status of the verges is not reason to withhold planning permission. Should permission be granted, it would be for the applicant to secure rights over this land. If they were unsuccessful in their request, any permission would need to be revised.</p>

<p>9</p>	<p>UTT/23/1470/OP Stansted Distribution Centre, Start Hill, Great Hallingbury</p>	<p>Additional information received from agent re condition :</p> <p>There is a restriction attached to the Audi Garage permission which restricts the number of people working there to 35, however it is not only the Audi Garage situated within our proposed Plot B which is included within the PSZ. Within the area of our proposed Plot B located within the PSZ, both the Audi Garage and existing Units 2A and 2B (as shown on PL002 attached) are included. Units 2A and 2B would have 28 people working there by our calculations (see Section 4: PSZ on Page 7 of the DAS pdf), and therefore within that Plot B area located in the PSZ there are currently the potential for 63 people working in the PSZ already not 35. We're proposing 60 people which is therefore a reduction on existing.</p> <p>In the other zones, we're working off similar numbers to what you have suggested – 25 in Plot C (including existing building at Unit 1A) and 30 at Plot D. We suggest setting Plot C at 25 due to its size and allowing a slight reduction to take account of additional people which may be within the roads/footpaths outside of the plots but still within the PSZ.</p> <p>The key is limiting to maximum 120 people and we agree to this figure. However, we think it's reasonable to split as set out below and allow slight flexibility by including the word "approximately" as long as the 120 people limit is met. Therefore, our suggested wording is:</p> <p>The maximum number of people living, working or congregating within and outside the public protection zones of the site edged in red, (excluding the area to the west which was previously the builders yard) shall not exceed 120 at any one time. Across the plots within the public protection zones (shown within Plan PL004), this should be split approximately as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Plot B (PSZ part) – 60 people <input type="checkbox"/> Plot C and Existing Building 1A – 25 people <input type="checkbox"/> Plot D (PSZ part) – 30 people <p>The estate manager shall keep a register of employees and visitors to be provided to the Local planning authority on request at any one time.</p>
		<p>MAG Group Safeguarding Technical Officer 25th January 2024</p>
		<p>we do not feel that there is a sufficient hook via the Reserved Matters process to ensure that these critical assessments against the obstacle limitation surfaces, instrument flight procedures and line of sight for aviation lighting are conducted at the right stage of the development. Therefore, can we please suggest the addition of the below condition which can be part-discharged as each phase of the development progresses:</p> <p>-No construction above ground level shall commence on site until the following assessments have been undertaken and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport:</p>

		<p>-Obstacle Limitation Surfaces Assessments -Instrument Flight Procedures Assessments -A technical assessment of whether the development will obscure aviation lighting, where necessary, at the discretion of the Aerodrome Safeguarding Authority for Stansted Airport. Reason: In the interests of aviation safety. We believe that the above condition would provide sufficient assurance that the required assessments are completed at the correct time. In addition to the above please can we request that Condition 26 explicitly states that it should be discharged in consultation with the Aerodrome Safeguarding Authority for Stansted Airport; given the critical location we wouldn't want it slipping through the net</p>
		<p>Legal advice</p>
		<p>we should put in place a condition that creates a ceiling for the number of people permitted in the Public Protection Zone and we should also require the submission of a scheme to be submitted a reserved matters stage that sets out how the numbers of people within the zone should be controlled. The scheme should require details of monitoring and control of people accessing the site, record keeping of numbers of people within the site at any one time and details of entry and exit every date. The scheme should also set out measures to limit congregation within any one particular area of the site. The scheme should also mean that all of the details of the above should be able to be supplied to the Council on request for any given time period. If the desire is to be built out in phases each phase should involve revisiting the scheme to see what is appropriate give the existing phases. I would envisage the scheme working in a similar manner to a lorry monitoring scheme on a minerals and waste site but that is just a simple example for comparison</p>
		<p>Recommended change to condition 50 to now read: Condition 50: Public Safety The maximum number of people living, working or congregating within the public protection zones of the site, (excluding the area to the west which was previously the builders yard) shall not exceed 120 at any one time. The estate manager shall keep a register of employees and visitors, within the site at any one time, to be provided to the Local planning authority on request at any given time period. REASON: In the interest of public safety as the site is located in close proximity to Stansted Airport in accordance with Uttlesford District Council adopted plan (2005) Policy AIR7</p>

		<p>Recommended change to condition 26 to now read: External Lighting: Condition 26: Details of any external lighting to be installed on the site, including the design of the lighting unit, and any supporting structure, the polar throw and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Aerodrome Safeguarding Authority for Stansted Airport prior to the development commencing. Only the details thereby approved shall be implemented.</p> <p>REASON: To protect the amenities of the occupiers of adjoining properties in accordance with Uttlesford Local Plan Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)</p>
		<p>Recommended change to condition 42 to now read Condition 42: No development to take place, including any ground works, until detailed assessments relating to aerodrome safeguarding have been submitted to and approved in writing by the Local Planning Authority in consultation with Stansted Airport to determine the following as a minimum:</p> <ul style="list-style-type: none"> • Potential to obscure aviation lighting • Impacts upon Obstacle Limitation Surfaces Assessment (precise heights of buildings and ground levels required) • Bird mitigation to ensure no birds hazardous to aviation are attracted to the site during the operational phase; • The prohibition of standing water • Glint and glare impacts upon aviation receptors • Detailed and quantitative wind turbulence impacts of the development upon aviation receptors where necessary • Impact on CNS equipment <p>Instrument flight Procedures Assessments</p> <ul style="list-style-type: none"> • A technical assessment of whether the development will obscure aviation lighting, where necessary, at the discretion of the Aerodrome Safeguarding Authority for Stansted Airport. <p>REASON: To ensure that development does not breach aerodrome safety. In accordance with Uttlesford Local Plan policy GEN2</p>

		Further conditions recommended:
		<p>Condition53 : Notwithstanding the provisions of the Town and Country Planning (use classes) (amendment)(England) Regulations 2020 (or any Order revoking or re-enacting that Order with or without modification) and The Town and Country Planning (General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order) the premises shall be solely used for class B8 use with supporting class E9 (g) and/or B2 use and no other purposes unless agreed in advance in writing by the local Planning authority.</p> <p>Reason: In the interests of public safety and to enable the Local Planning Authority to fully consider the effects of any development permitted by these orders</p>
		Condition 55:
		<p>Bus infrastructure: prior to occupation of the development, the provision of the following bus infrastructure entirely at the developer's expense:</p> <p>a. Improvements at eastbound stop (known as Spellbrook Motors opp.)</p> <p>i. Removal of existing pole and flag</p> <p>ii. New Essex standard shelter to be installed</p> <p>iii. Flag, timetable and clearway plate to be attached to shelter</p> <p>iv. Bus stop clearway markings on carriageway</p> <p>b. New westbound stop (name to be confirmed)</p> <p>i. New Essex standard shelter to be installed</p> <p>ii. Raised kerbs to be installed</p> <p>iii. Flag, timetable and clearway plate to be attached to shelter</p> <p>iv. Bus stop clearway markings on carriageway</p> <p>c. Real time passenger information</p> <p>i. 28" in-shelter display at eastbound stop</p> <p>ii. 28" in-shelter display at westbound stop</p> <p>Reason: 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</p>
		Changes to heads of terms for S106
		<ul style="list-style-type: none"> Financial contribution towards sustainable transport £25,000 (for the purposes of improving

		<p>sustainable transport links to the site. The contribution may be put towards a feasibility study and/or design and/or implementation of some or all of a cycle route link between the site and Bishops Stortford; and/or improvements to the Flitch Way and/or National Cycle Route 16; and/or to improve the frequency, quality and/or geographical cover of bus routes serving the site; and/or towards cycling and walking improvements in the vicinity of the site identified in the Uttlesford Local Walking and Cycling Infrastructure Plan</p> <ul style="list-style-type: none"> • Workforce travel plan with monitoring £6,760 index linked • Car club contribution £43,335 or if not feasible a financial contribution towards sustainable transport • Cycle hire hub £69,000 or if not feasible a financial contribution towards sustainable transport • Travel vouchers £5,700 • Real time passenger information display at eastbound stop £10,845.09 index linked – this is the commuted sum figure for the maintenance of the RTPi display • Real time passenger information display at westbound stop £10,845.09 index linked – this is the commuted sum figure for the maintenance of the RTPi display • New west bound shelter £8,700.23 – this is the commuted sum figure for the maintenance of the new westbound shelter
10	UTT/23/0707/FUL	<p>Date: 29.01.2024 UTT/23/0707FUL - Erection of 9 bungalows with associated works LOCATION: Land South Of Deynes Road Debden Essex. Debden Parish Council submitted comments, previously (17th April 2023) objecting to the Application on various grounds including any building on the field in question and supported the objections from residents set out on the Council's planning portal. We have the following observations and comments: 1. NOTIFICATION of HEARING by PLANNING COMMITTEE:</p> <p>NO NOTICE of the hearing date from UDC Planning Department was received by DPC, fortunately District Councillor Luck was sent the Planning Committee Agenda for the Planning Committee Meeting fixed for 10th January 2024, issued on 2 January, noted the Application was due to be heard and informed DPC on 3rd January.</p>

		<p>DPC feel that we were not given ample notice, especially as this information was announced over the Christmas/New year holidays. We had very little time to represent/consult/notify our community and this hearing date fell in-between DPC meetings.</p> <p>1. Debden Residents advised DPC that they were “<i>tracking</i>” the Application on the UDC Planning website but had not received any notification of several additional documents added to the website in mid-December.</p> <p>DPC feel that local residents should be kept informed, given ample notice and enough time in order to respond.</p> <p>1. District Councillor Luck informed DPC that there would be a Site Inspection in the morning of Monday 8th January by some members of the Planning Committee, accompanied by the UDC Planning Case Officer and Nigel Brown, Head of Development Management & Enforcement.</p> <p>1. That same afternoon, (8th Jan) DPC noted a “Late List” to the Planning Meeting Agenda had been posted on the documents for the Application on the Council’s Planning portal, stating the Applicant has requested that an Addendum is added to the committee report with the addition of further information.</p> <p>1. The Parish Clerk received an email advising that following the site visit the Application had been withdrawn from the Agenda for the Planning Committee Meeting fixed for 10th January 2024, stating “<i>The application will now be reported to Planning Committee on 7/2</i>”.</p> <p>1 Broctons Barn, Rook End Lane, Debden, Essex CB11 3LR. Mobile: 07915 885908 • E: clerk@debden-pc.gov.uk</p> <p>1. On 8th January a letter was added to the portal from ECC Place Services, Historic Buildings and Conservation Advice. The letter describes the listed building, Deynes Farmhouse and its setting and stated that the “<i>proposed development of the site raises concerns...</i>” and commented that “<i>the proposed development of nine bungalows with associated landscaping and new access shall adversely impact the setting of heritage assets</i>”. It refers to urbanisation and that this would be “<i>contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990</i>”.</p>
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		<p>It conceded that with “regards to the NPPF (National Planning Policy Framework), the harm would be less than substantial and I suggest towards the middle of the spectrum (Paragraph 202).”</p> <p>The final sentence reads “...consider this application to be contrary to Paragraph 206.”</p> <p>DPC notes that if the letter had been available earlier, it may have provoked even more objections to the development.</p> <ol style="list-style-type: none"> 1. On 9th January the Parish Clerk received an email letter from the Planning Department advising of a Planning Application re-consultation as the Application had been amended, and comments on those amendments could be made. The amended and additional documents were available to view on the portal on that day. 1. On 11th January the Planning & Capacity Team of Anglian Water Services Limited emailed UDC to state it only comments on planning applications for major proposals of 10 dwellings or more, but stated “However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.” <p>It does not mention connections to the existing drainage, only that the Applicant “should check for any Anglian Water assets which cross or are within close proximity to the site.”</p> <p>DPC would like to ask UDC Planners to request a response from Anglian Water as to the efficacy of proposed pumping system of the new dwellings to the existing sewers and the capacity, not only of the sewers in Deynes Road but to the effect it would have in Rook End Lane and its vicinity.</p> <ol style="list-style-type: none"> 1. On 19 January: <ol style="list-style-type: none"> i Essex County Council Development and Flood Risk Environment and Climate Action responded to the amended Application and stated that having reviewed it, it wished to issue a holding objection to the granting of planning permission on several grounds, and an advisory comment stated, “Please note that where 1 Broctons Barn, Rook End Lane, Debden, Essex CB11 3LR. Mobile: 07915 885908 • E: clerk@debden-pc.gov.uk i required.” ii ECC Place Services, Historic Buildings and Conservation Advice issued a letter referring to the Applicant’s Heritage Response to its previous advice and states that the Heritage Response goes
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		<p>on to undertake a balancing exercise, but such an exercise is not within the remit of ECC Place Services, it is for UDC consider representations regarding the planning balance (i.e. how that harm might be weighed).</p> <p><i>“Our conclusions remain that the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting.” and</i> <i>“When considering the impact of a proposed development on the significance of a designated heritage asset Paragraph 205 states that ‘great weight should be given to the assets conservation’. This is irrespective of the level of harm, in line with statutory duty.”</i> DPC are in agreement with both responses and are lodging these further comments of objection to the amended Application - UTT/23/0707FUL, in light of all of the above.</p>
		<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"> - 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) - The applicant has requested that the Council’s need for bungalows in the area is highlighted in the Addendum <p>as this has not been mentioned in the officer’s report. The Council’s report here -</p> <p>https://www.uttlesford.gov.uk/media/1454/Housing-Strategy-2021-2026/pdf/Housing_Strategy_2021-2026A.pdf?m=637743891541030000 states that there is a shortage of bungalows within the district for both market purchase and affordable rent.</p>
11	UTT/23/2494/FUL	<p>The Landscape Officer comments have now been provided:</p> <p><i>I concur with the comments of Place Services Historic Environment Team that “The design of the proposed storage unit which includes solar panels to the roof slope, which will be visible in some views from the Conservation Area, is industrial in character and of poor quality, and likewise the toilet block is also of a low design quality. Paragraph 206 of the NPPF requires that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. In my opinion, improvements could be made to the design of the storage unit and toilet block to better meet the requirements of paragraph 206.”</i></p>

		<i>The proposed storage building would impact on the inherent openness of the site, and its juxta position with the existing pavilion is considered a visually awkward arrangement compounded by necessary changes in existing ground levels.</i>
12	UTT/23/2538/FUL	NONE
13	UTT/23/1950/FUL	NONE

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarised

Late items from **STATUTORY CONSULTEES** are reproduced in full.