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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 1st May, 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 - 13

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 14

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 15 - 17

To note the Quality of Major Applications Report.
- 5 S62A Applications Report** 18 - 20

To note the S62A Applications Report.
- 6 UTT/22/2035/FUL - Land East of St Edmunds Lane, GREAT DUNMOW (Chief Officer's Report)** 21 - 69

To consider amending a previous resolution made by Planning Committee on 8 February 2023.
- 7 UTT/24/0585/FUL - Old Cottage, Start Hill, Stane Street, GREAT HALLINGBURY** 70 - 105

To consider application UTT/24/0585/FUL.
- 8 UTT/23/2989/FUL - Springwell Paddock, Walden Road, LITTLE CHESTERFORD** 106 - 118

To consider application UTT/23/2989/FUL.

9 Addendum List

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

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

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

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

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

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 3
APRIL 2024 at 10.00 am**

Present: Councillor R Freeman (Chair)
Councillors G Bagnall, N Church, R Haynes, M Lemon and
M Sutton

Officers in attendance: N Brown (Head of Development Management and
Enforcement), C Gibson (Democratic Services Officer), I Hunt
(Planning Lawyer), J Pavey-Smith (Senior Planning Officer) and
M Sawyers (Planning Officer)

Public Speakers: N Champion, D Cox, A Gunne-Jones, V Lockie, C Loon, M
Ratcliff, Councillor N Reeve and Councillor N Robley (Hatfield
Heath PC).

PC157 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were given by Councillors Emanuel, Loughlin and Pavitt.

The following declarations were made:

- Councillor Lemon; non-pecuniary and would recuse himself from Items 7 and 10 as he knew the applicant.
- Councillor Haynes; Ward Councillor for Thaxted and the Eastons but would not be recusing himself from Items 8 and 11.
- Councillor N Reeve: in attending to speak as a private individual on Items 12 and 13, declared an interest in the application as a neighbour.

PC158 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6 March 2024 were approved as an accurate record.

PC159 **SPEED AND QUALITY REPORT**

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He highlighted the information in red at the bottom of the table and said that the key UDC data figure stood above 10% at 11.1% and that the Council remained under designation.

The report was noted.

PC160 **QUALITY OF MAJOR APPLICATIONS REPORT**

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

He updated Members on the pending appeal and said that it had been dismissed.

The report was noted.

PC161 S62A APPLICATIONS REPORT

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

The report was noted.

PC162 UTT/24/0103/PINS - LAND TO THE WEST OF MILL LANE, HATFIELD HEATH

The Planning Officer presented a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. The application related to the demolition of 12 existing structures, the conversion and restoration of 8 existing buildings to form 8 holiday cottages and conversion of the existing water tower into 1 dwelling, the construction of 3 single storey dwellings and the creation of a pedestrian and cycle link path. He referred to the Addendum List that had additional comments in respect of Conservation and Environmental Health. He said that no changes had been made to the application which had previously been refused by the Council.

He recommended that observations be submitted to PINS.

In response to questions from Members, officers:

- Said that this application had to be considered separately to the application that followed.

Members discussed:

- The reason given previously for refusal as being to build on Green Belt.
- Heritage harm concerns.
- Highways concerns.
- The need for greater community engagement.

There was some support for the application amongst Members.

Councillor Haynes proposed that the Council's response to PINS should be in line with the previous reasons given for refusal, notably building on Green Belt. In addition concerns to be expressed in respect of heritage harm and highways.

This was seconded by Councillor Lemon.

RESOLVED that the above observations be communicated to the Planning Inspectorate.

Councillor Lemon recused himself from the meeting at 10.35 am.

PC163 UTT/23/1688/FUL - CAMP POULTRY FARM, MILL LANE, HATFIELD HEATH

The Planning Officer presented an application for the proposed demolition of buildings and the erection of 3 storage, packing, distribution and ancillary buildings. The application also proposed the erection of 1 dwelling with residential garden and related change of use of land.

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

In response to questions from Members, officers:

- Said that Place Services (Heritage) had been involved in consultations but not Historic England.
- Clarified mineral safeguarding arrangements.

Members discussed:

- The Class 2 camp classification previously stated at an Appeal in 2019.
- Green Belt concerns.
- Heritage and harm concerns.
- The possible need for views from Historic England.
- The possibility that the heritage assets may have come to the end of their life and that it might be time to remove the buildings and record the assets.
- The dangers of running out of homes and the need for new homes; together with the need for a practical approach.
- The continuation of an old established business in need of a refresh.
- Traffic movement concerns.
- Restrictions being placed on hours of business operation.
- The fact that use of the site was restricted by floorspace.

Councillor Church proposed that the application be approved, with a respectful request that hours of operation could be agreed with the applicant.

This was seconded by Councillor Sutton.

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

Councillor N Robley (Hatfield Heath PC), N Champion, D Cox and M Ratcliff spoke against the application. A statement was also read out from D Sargeant against the application.

C Loon (Agent) spoke in support.

The meeting adjourned at 11.30 am and Councillor Lemon rejoined the meeting when it resumed at 11.40 am.

PC164 UTT/23/2601/DFO - CLAYPITS FARM, BARDFIELD ROAD, THAXTED

The Senior Planning Officer presented a reserved matters application for 14 dwellings at Claypits Farm, Thaxted.

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

In response to questions from Members, officers:

- Clarified what a rain garden was.
- Said that the application of condition 3 in respect of flint panels and slates rested with the Conservation Officer.
- Said that any party wall matters would be covered under party wall legislation.
- Said that the footpath was locked in as part of the outline permission.
- Said that the drainage condition had now been discharged.
- Said that there were only three factors under discussion: Scale, appearance and landscaping. Layout was not to be considered.

Members discussed:

- Drainage and flooding concerns.
- Impact on the Conservation Area.
- Stability of the party wall.
- Possible use of tree screening.
- The electric substation.

Councillor Sutton proposed approval of the application with an additional condition in respect of planting two trees at the entry to the site (agreed with the applicant).

This proposal was seconded by Councillor Church.

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

PC165 UTT/23/2268/DFO - THE RISE, BRICK END, BROXTED

The Head of Development Management and Enforcement presented an application for reserved planning matters following outline planning permission being granted. Outline planning permission had been allowed at Appeal in October 2022, subject to conditions. He outlined various minor amendments to the report.

He recommended that the application be approved, subject to those items set out in section 18 of the report.

In response to questions from Members, officers:

- Said they would prefer that the report was not deferred for further discussions to take place with the Parish Council as this application was a long-standing one.
- Said that in relation to a rare bat species that Essex Ecology had raised no objections and that Conditions 14 and 16 assisted in the preservation of bats.
- Said that glint and glare issues had already been resolved.

A Gunne-Jones (Agent) was invited to address the meeting. He confirmed that the central building would have PV's and that lighting, glint and glare issues had already been discharged.

Members discussed:

- The need to know the current height of buildings to compare to those proposed buildings of around 7.5m.

There was a brief adjournment from 12.40 pm to 12.45 pm whilst officers considered this request.

At the resumption of the meeting, officers confirmed that all matters relating to scale had already been discharged and the only two issues under reserved matters consideration were appearance and landscaping. Officers confirmed again that issues relating to PV's and ecology had already been discharged. In respect of ensuring closer relationships between the applicant and the Parish Council, that there was perhaps an ideal time when the new buildings were built.

Councillor Lemon proposed approval of the application.

This proposal was seconded by the Chair.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 18 of the report.

Councillor Lemon recused himself from the meeting at 12.55 pm.

PC166 **UTT/23/2939/FUL - LAND REAR OF HIGH PASTURES, STORTFORD ROAD, HATFIELD HEATH**

The Planning Officer presented a planning application for the proposed erection of one detached dwelling. He highlighted the correction to his report paragraph 14.12.6 that had been made in the Addendum List.

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

In response to questions from Members, officers:

- Summarised the negative reasons against the application.
- Said there would not be significant traffic movements and no large vehicles.
- Said that in respect of the size of the garden, hard and soft landscaping conditions could be stipulated.

Members discussed:

- Overdevelopment concerns with two very adjacent properties.
- The issue of the garden being significant.
- Any removal of existing shrubs and screening compromising the amenity space.
- Infilling and backland concerns.

Councillor Haynes proposed refusal of the application on the grounds of GEN 2, covering overdevelopment, neighbour amenity issues, infilling beyond the original development and being out of character with the area.

This was seconded by Councillor Bagnall.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of GEN 2.

Councillor N Robley spoke against the application.

The meeting adjourned for lunch from 1.10 pm to 2.05 pm. Councillor Lemon returned to the meeting following the lunchbreak.

PC167 **UTT/23/2867/HHF - ALDBORO HOUSE, PARK STREET, THAXTED**

The Senior Planning Officer presented an application to extend the existing garage by one bay and to convert two bays to an Annexe. This application had previously been deferred as Place Services had not responded. Proposals for a pair of gates had now been removed.

He recommended that the application be approved, subject to the conditions set out in section 16 of the report.

In response to questions from Members, officers

- Said that any foul drainage proposals would be covered by Building Regulations.
- Said this was not an issue for Highways as it was a household application and would not impact on the Highway.
- Said that three parking spaces would remain.
- Said that a landscaping condition could be drawn up to cover such matters as hedge maintenance concerns.

Members discussed:

- Car parking issues in a private road and the possible parking knock-on effects to Park Street.
- The current hedge providing a natural barrier.
- The significant view of the windmill.
- Drainage concerns.
- Concerns relating to future letting out of the property.
- Access arrangements for traffic such as refuse vehicles.
- The need for the annexe to remain ancillary as an annexe to the main dwelling.

Councillor Sutton proposed approval of the application, together with a landscape condition and for the annexe to remain ancillary as an annexe to the main dwelling.

This proposal was seconded by Councillor Bagnall.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to the conditions set out in section 16 of the report, together with a landscape condition and for the annexe to remain ancillary as an annexe to the main dwelling.

PC168 UTT/23/3179/HHF - 2 PARSONAGE FARM BARNs, BARNSTON ROAD, HIGH EASTER

The Planning Officer presented a householder planning application for the proposed mounting of 20 photo voltaic panels on the west facing elevation. The site concerned a Grade II listed property to the western side of Barnston Road.

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

In response to questions from Members, officers:

- Confirmed that this was a matter of planning balance, rather than tilted balance as stated in the report.

Members discussed:

- Heritage harm concerns and the appropriate great weight that should be given to any such concerns in line with paragraph 205 of the NPPF.
- The property not being viewable from the road.
- That as the pv's would be west facing consideration should be given to utilising a battery storage system.
- The possible risks of setting a precedent if approved and the necessity to consider each case on individual merits to protect heritage assets.
- The possible conditioning of the future de-commissioning of the pv's.

Officers suggested that if Members were minded to approve the application that they could condition a pre-commencement bat survey and that they could work on appropriate wording in respect of both the continuation of use and the future de-commissioning of the solar panels with reviews after certain periods of time. This would look to protect the heritage asset.

Councillor Church proposed that the application be approved. This was seconded by Councillor Sutton.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development in line with the suggested conditions.

Councillor N Reeve (as a neighbour, also UDC portfolio holder for the Environment and Climate Change and High Easter PC Member) and V Lockie (Applicant) spoke in support of the application.

PC169 **UTT/23/3180/LB - 2 PARSONAGE FARM BARNs, BARNSTON ROAD, HIGH EASTER**

The Committee considered the listed building consent application for the property considered under the previous application.

Members considered that the matter had been fully debated under the previous agenda item.

In line with a Member's suggestion, officers stated that they would look to future proof conditions for the de-commissioning and review of time periods relating to such matters. Possible shorter time periods could be considered along with the possibility of the need to make further applications after a certain time. Officers would work on appropriate wording. It was also stated that no bat survey was necessary under this application.

Councillor Church proposed that the application be approved. This was seconded by Councillor Bagnall.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development in line with the suggested condition.

The meeting ended at 3:10 pm.

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period. Oct 2020 to Sept 2022	Threshold and assessment period. Oct 2021 to Sept 2023	Threshold and assessment period. Oct 2022 to Sept 2024	Live Table
Speed of major Development	60% (80.30%)	60% (83.33%)	60% (84.85%**)	District - P151a
Speed of non-major Development	70% (85.06%)	70% (84.82%)	70% (84.38%**)	P153

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

Quality – Appeals

Measure and type of Application	Threshold and assessment period. April 2019 to March 2021 (appeal decisions to end December 2021)	Threshold and assessment period. April 2020 to March 2022 (appeal decisions to end December 2022)	Threshold and assessment period. April 2021 to March 2023 (appeal decisions to end December 2023)	Threshold and assessment period. April 2022 to March 2024 (appeal decisions to end December 2024)	Live Table
Quality of major Development	10% (17.57%)	10% (11.76%**)	10% (11.1%)!	10% (4.76%*)	P152a
Quality of non-major Development	10% (2.91%)	10% (2.31%)	10% (1.8%)	10% (1.25%*)	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*

! – to note – In March, DLHUC updated the national Live Table data which showed UDC at 9.7%. We had reported 13.5%. A discussion has taken place between UDC and DLUHC. Appeal decisions on S73 applications are not included in the DLUHC data. DLUHC’s calculation omitted one appeal decision. When corrected it brings the figure to 11%. The formal revision to the published figures are awaited.

Committee: Planning Committee
Date: 1 May 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							
Apr 2022 - Mar 2024	85	26	10	5	4	1	4.71%

*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.

Awaiting update from DLUHC for period April 21 – March 23 and appeal decisions up to 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	

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. This was reheard on 26 th March 2024 and with the Inspectorate.
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 Thaxted Road Saffron Walden	Consultation on S62A/2022/0014- Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road.	Consultee	Approve with conditions – 30/05/2023
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	Approve with Conditions – 27/03/2024
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	Refuse – 04/03/2024

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	Approve with conditions – 13/03/2024
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	Refuse – 29/02/2024
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	Refuse 05/03/2024
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	Approved with conditions – 26/02/2024
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	Approve with conditions – 10/04/2024
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	Opinion Given
17/01/2024	S62A/2024/0032	UTT/24/0103/PINS	Land To The West Of Mill Lane Hatfield Heath	Consultation on S62A/2024/0032 - The demolition of 12 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path	Consultee	Opinion Given

Committee: Planning

Agenda Item

Date: 1 May 2024

Title: UTT/22/2035/FUL- Erection of 30 no. self-build and custom dwellings.

Author: Nigel Brown, Head of Development Management
Chris Tyler, Senior Planning Officer

Summary

1. This application was considered and the Planning Committee resolved to grant permission on the 8th February 2023, subject to the completion of S106 agreement to secure a number of infrastructure provisions including an off-site financial contribution in lieu of the 8 Affordable Housing units, the heads of terms included the following:

- i. Off-site financial contribution in lieu of the 8 Affordable Rental Properties;
- ii. Custom / self-build dwellings;
- iii. Provision of 5% wheelchair accessible and adaptable dwellings (M4 (3) – Building Regulations 2010;
- iv. Payment of education financial contributions; Early Years, Primary & Secondary;
- v. Provision and long-term on-going maintenance of public open space (including LAP);
- vi. Financial contributions towards bus strategy;
- vii. Residential Travel Packs; &
- viii. Monitoring cost.

2. The history of the application/ site includes the following:

UTT/20/1744/FUL- Proposed 30 no. Self-build and custom dwellings
Refused
Appeal Dismissed
Judicial Review- Inspectors decision quashed

UTT/21/2719/FUL- Proposed erection of 32 no. self-build and custom build dwellings (adjoining site)
Approved

UTT/19/1508/FUL - Construction of 22 custom/ self-build dwellings (adjoining site)
Approved

3. Following the approval of this application the applicant has provided a high court judgement following the judicial review of the original refused planning application (UTT/20/1744/FUL) which was subsequently dismissed at appeal. The appeal decision was quashed on Thursday, 27 April 2023 as a result of the judicial review.
4. The Planning Inspector that determined the appeal found fault with the unilateral undertaking (S106) document and its execution and concluded the Council would not be able to rely on it to ensure the obligations it contained. Most notably, the S106 provided to the Inspector referred to a planning permission that shall come into effect only if the permission is granted by UDC (as opposed to PINS). Therefore the s106 failed on a technical point.

This was the sole point which concerned the Planning Inspector, and the only one which is mentioned in the PINS decision, it was stated *“For this reason, I am not satisfied that the submitted UU would be capable of taking effect and securing the intended obligations. As such, I cannot afford weight to the obligations which it contains.”*

The High Court later considered the Inspector failed to provide a new enforceable condition that would have resolved the issue of the UU, quashed the appeal decision and it must now be re-made.

5. In regards to affordable dwellings, paragraph 2 of the judgement states:
“The application, which was refused by the Council, was to create thirty new self-build and custom dwellings. In the context of this application, there were various forms of contribution to housing which would be required but, although the Council did not necessarily accept this proposition, the Inspector did, which was that, provided that they were new self-build and custom dwellings, then there was an exemption from providing those contributions”
6. As a result of the Judicial Review, it was established planning application UTT/20/1744/FUL did not include a requirement for affordable housing as there is not a requirement in the NPPF for self-build applications to provide affordable housing, this was not contested by the Planning Inspector. As such this decision is a material consideration in the current planning application (UTT/22/2035/FUL) and one which the Planning Committee did not have before it previously.
7. When reviewing this current application, it is considered that subject to a legal agreement the proposal will require the whole development to be custom and self-build homes, which will contribute to the identified needs within the district. Also, by comprising entirely self-build plots, the proposed development would be exempt from making an affordable housing contribution under the provisions of the Framework.
8. It is noted that following the revised version of the NPPF on the 20 December 2023, the content included in the relevant paragraphs that considers

affordable homes has not been amended. As such it is considered the proposal changes to the application would be in accordance with the NPPF 2023.

- On the basis of the recent high court decision, it is now proposed to remove the affordable housing element from the current resolution to grant permission prior to completion of the S106. This would be in accordance with the paragraph 66 (c) of the NPPF and details formed as part of the Judicial Review.

It is recommended that Planning Committee amends it's previous resolution to remove the financial contribution for the 8 affordable rent properties. All other provisions and conditions as made on 8th February 2023 would remain the same.

Background Papers

UTT/20/1744/FUL- Judicial Review Judgement (Appendix 1)

Minutes and decision of the Planning Committee 8 Feb 2023 (Appendix 2)

UTT/22/2035/FUL- Committee Report 8 Feb 2023 (Appendix3)

Impact

-

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

Risk Analysis

-

Risk	Likelihood	Impact	Mitigating actions
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1	1	1	None
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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.

snippingIf this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

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IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

ADMINISTRATIVE COURT

[2023] EWHC 2588 (Admin)



No. CO/56/2023

Royal Courts of Justice

Thursday, 27 April 2023

Before:

MR JUSTICE WAKSMAN

BETWEEN:

ST EDMUNDS LANE MANAGEMENT

Claimant

- and -

(1) SECRETARY OF STATE FOR
ENVIRONMENT, FOOD AND RURAL AFFAIRS

(2) UTTLESFORD DISTRICT COUNCIL

Defendants

MISS S HALL (instructed by Holmes & Hills LLP) appeared on behalf of the Claimant.

MR A BOWES (instructed by HM Treasury Solicitors) appeared on behalf of the Defendants.

J U D G M E N T

MR JUSTICE WAKSMAN:

1 I am very grateful to counsel for their written and oral submissions by which I have been greatly assisted. I have come to a very clear view on this. I am going to grant permission on both Grounds 1 and 2. As I am granting permission, I do not need to give a lengthy judgment but I will explain my reasons as briefly as I can.

2 This, in my view, was an extremely unusual case in terms of what happened before the Inspector. The application, which was refused by the council, was to create thirty new self-build and custom dwellings. In the context of this application, there were various forms of contribution to housing which would be required but, although the council did not necessarily accept this proposition, the Inspector did, which was that, provided that they were new self-build and custom dwellings, then there was an exemption from providing those contributions.

3 The way that the applicant chose to deal with this was by proffering a unilateral undertaking to the council and then, when the council refused permission, it was provided to the Inspector who conducted the appeal on the basis of the “written representations only” procedure.

4 The Inspector, looking at the unilateral undertaking, which included not only a commitment to ensure that the properties were built and sold as self-build and custom units, but also a contribution to local educational facilities and, I think, bus facilities, first of all, held that on the basis that the unilateral undertaking was valid, the additional contributions were not needed. The core point was the commitment to the self-build and custom houses. However, at para.26 the Inspector then said that, although she was going to go on to deal with the substance of the undertaking (as she did), she said she had concerns about the undertaking document and its execution and, therefore, whether the council could rely on it to secure the obligations it contained.

5 Most notably, the proposed undertaking provided to the Inspector referred to a planning permission to granted by the council to which it had originally been offered. Condition 5 in a lengthy and detailed lawyer-drafted document, said this:

“This planning obligation shall come into effect only if the permission is granted by UDC.”

6 This was obviously because the unilateral undertaking is not intended to operate if planning permission is not granted. The words “planning permission by the UDC”, i.e., the LPA, is referred to but, of course, as it had gone on appeal, strictly speaking, at least as far as the Inspector was concerned, it could not then be said to be granted by the local authority because it had refused it. Rather, it would be granted by the Inspector and, therefore, the condition would not strictly apply and. Therefore, there was a question as to the enforcement of the undertaking.

7 This, in fact, seems to have been the sole point which concerned the Inspector on enforceability; at least, it is the only one which is mentioned, because she said it was most notable and then:

“For this reason, I am not satisfied that the submitted UU would be capable of taking effect and securing the intended obligations. As such, I cannot afford weight to the obligations which it contains.”

8 What is clear, therefore, and I do not need to go into the detail of it and it is not a point which is challenged by the defendant here, is that but for the lack of enforceability of the undertaking, and thus the commitment to ensure that there were self-build and custom houses, the planning

factors which the Inspector then set out in the subsequent paragraphs, would have fallen clearly in favour of the grant of permission. It was, in short, or it is certainly highly arguable, that the Inspector was what I would, I am afraid, describe as a highly technical defect.

- 9 I am told that the local authority, whose Planning Committee refused permission (although its Planning Officer recommended it), did not take any enforceability point when it came before it, which is hardly surprising because if the local authority had granted the planning permission Condition 5 would have been satisfied. But at the appeal, the local authority did not take a point on enforceability either and, in particular, did not take a point that Condition 5 meant that the undertaking was not enforceable.
- 10 It is, therefore, fair or arguably fair, to characterise what the Inspector did in rejecting the undertaking as being pursuant to a new point that had not been canvassed before and it derived from the Inspector's own interpretation – which I suspect might not have been the interpretation offered by others but that is a different matter – of Condition 5.
- 11 In the light of that, the two grounds are as follows: first of all, Ground 1. This is to the effect that this was not only a new point but, secondly, there was a perfectly obvious answer to it, which is that the Inspector could and should have made a condition to the same effect as the core part of the undertaking, which was to create and guarantee self-build and custom houses. Generally speaking, of course, as is clear from cases like *Top Deck*, the Inspector has no obligation to cast around for conditions which might have the effect of resolving a substantive defect in the underlying application. The general duty is on the applicant to canvass and proffer solutions to problems which might arise. Therefore, *Top Deck* says that if a party wants the appeal to be considered on the basis that some condition can support the planning permission sought, it was incumbent on the appellant to deal with that condition at the enquiry. As a matter of substance, one can understand that.
- 12 Mr Bowes reminds me that in the case of *Gladman*, Lindblom LJ said that the basic proposition there – and it is a proposition for which the case, as a whole, stands as authority – is that there is no legal obligation on an inspector to formulate conditions that might make the proposed development acceptable but where none of the parties suggested it. He goes on to say, and this is accepted:
- “... it might be unreasonable, in the "Wednesbury" sense, for an inspector not to impose a condition even though none of the parties has suggested it, because the need for that condition and the appropriateness of imposing it are perfectly obvious.”
- 13 It is quite right Lindblom LJ did not do it in that case and there are not any reported cases, I think, of an imposition of a condition which is obvious but this is, as I said, a very unusual case. This is not about substance. This is a highly technical defect and, in my judgment, it is arguable that there was a perfectly obvious solution to it and that the Inspector acted irrationally in not taking it.
- 14 There is no suggestion by the defendant that this is a condition which could not, as a matter of law, be imposed. I note the references to *DBS* and the fundamental distinctions between s.106 obligations and planning conditions. I do not regard that as particularly relevant for present purposes because this is a question where the substance had already been proffered and where there had been no objection to the enforceability of the undertaking but rather the main debate was about the balance between the planning harms and the benefits.

-
- 15 I also bear in mind, of course, that this is in the context of a written representations procedure but that would not make any difference if there was the straight obligation to impose the planning condition. If there was, for the purpose of the planning condition, the need to go back to the parties, which under normal circumstances there would be, then it could be said that this is at least inimical to the whole concept of the written representations procedures and it would open the floodgates to endless back and forth between the inspector. That seems to me to be unrealistic, with respect, or at least arguably so here. This is a one-shot point. It would have required one letter and one letter back, which would either say, "We agree to the condition" or the alternative, of course, would be to just veto the undertaking. But either way, I consider that the first ground is arguable.
- 16 So far as the second ground is concerned, even if it was not arguably irrational for the Inspector not to have offered a revised condition, not to do it, the alternative was to go back to the parties and say, "I have discovered this technical defect." Then it could be addressed briefly by the parties. The Inspector, in my judgment, was acting arguably irrationally and arguably unfairly by not doing so, because, as I indicated, that was the objection which, in fact, ended up being fatal to the entire planning application.
- 17 This is not a case of imposing upon an inspector, particularly in a written representations context, some obligation to give continuous updates on their provisional thinking. It is not a case about that at all. It is not a case about trying to fix a substantive problem which the claimant ought to have appreciated, or at least arguably not so. This is a case where there is a highly technical defect. There was no question about the underlying commitment to provide the relevant housing and it was a point which was new and, in this context, despite what Mr Bowes has persuasively argued, I do consider it is at least arguable. It is a new issue here. It is a technical issue. It is not the broad question of being able and prepared to make your representations and file evidence on every conceivable aspect of the substance and to put in fallback positions in case your primary condition does not find favour with the inspector.
- 18 I do not consider, at least arguably, it is like a litigant in person who has got no idea as to what has been coming and what has been going on. I think arguably there was reason why the applicant did not and need not have construed the fact that someone might have taken the view that Condition 5 meant that the undertaking was now not put in the current form before the Inspector, rather than before the local planning authority. The most that might be said is that that was something that the solicitors should have picked up. It is not a question of catering for it but it is a technical point that should have been picked up. No doubt that is an argument which can be made at the substantive hearing but it is not a matter which is fatal so far as the grant of permission is concerned.
- 19 Again, finally, I do not accept that this view is not arguably correct because of some "floodgates" argument. There is very little flooding which is likely to occur, in my judgment, if it turns out at the end of the day the Inspector's approach to this technical defect result in her order being quashed.

Minutes:

The Principal Planning Officer presented an application for full planning permission for the erection of 30 new self-build and custom built dwellings.

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

In response to questions from Members, officers: Said that the calculation had not yet been completed for a contribution in lieu of affordable housing; this would be an independent assessment that had to be agreed by the applicant and the Council's Housing Enabling Officer. It would not be negotiable.

Said that no changes had been made in terms of design but that the significant change was the financial contribution to be made in lieu of affordable housing.

With reference to the buffer zone and boundaries, said that proposed details would have to be submitted for each plot given the nature of the scheme.

Said that the current land supply figure was 4.89 years but there was a need to go beyond 5 years to ensure a buffer was in place.

The applicant was allowed to speak to clarify garden sizes and footpath issues.

Members discussed:

How the affordable housing contribution was to be determined and the need for Members to be aware of a possible sum. It was again stated that the Housing Enabling Officer would have to agree this and that the figure was being independently assessed and would be part of the S106.

The possible intrusion into the countryside as urban sprawl.

The Head of Development Management and Enforcement said that this matter had already been to appeal and that the only outstanding issue was the S106 agreement. Everything else had been considered previously.

Councillor Loughlin said that she could see no planning reason to refuse the application and proposed approval in line with the recommendations as stated. This was seconded by Councillor Pavitt.

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

APPENDIX 2- PLANNING COMMITTEE
REPORT – UTT/22/2035/FUL



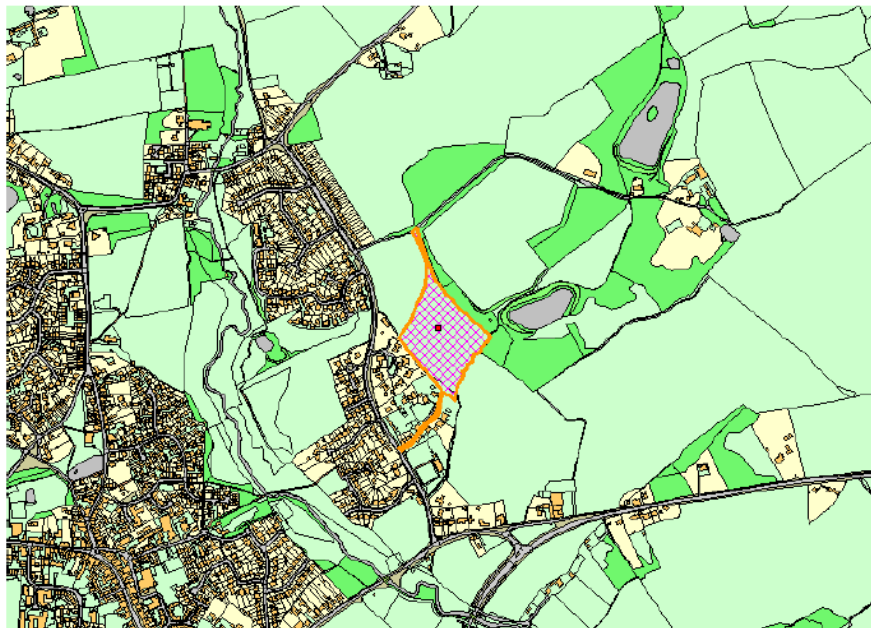
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 8 February 2023

REFERENCE NUMBER: UTT/22/2035/FUL

LOCATION: Land East Of St Edmunds Lane North Of Tower View Drive, St Edmunds Lane, Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Erection of 30 no. self-build and custom dwellings.

APPLICANT: Mr Rupert Kirby

AGENT: Miss Hannah Wallis

EXPIRY DATE: 24 October 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits (ULP) / Outside Town Development Area (GDNP), Ancient Woodland & within 100m of County Wildlife Site.

REASON THIS APPLICATION IS ON THE AGENDA: Major planning application.

1.

EXECUTIVE SUMMARY

1.1

Full planning permission is sought for the erection of 30 no. new self-build and custom dwellings.

1.2

The application site lies outside the defined settlement boundary limits and is thereby located within the countryside as designated by Policy S7 of the Adopted Local Plan and is also located outside the development housing growth 'Town Development Area', as designated by the Great Dunmow Neighbourhood Plan.

1.3

As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5-year housing land supply (although its position is improving), paragraph 11 of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.

1.4

The proposals would boost the Councils self-build housing supply, in which there is an identified need and the provision of an off-site affordable housing financial contribution. Furthermore, weight has been given in respect to introduction of a new footpath linking the proposed houses to

the network of public footpaths to the north, improvements to transport infrastructure and on-site energy generation from low-carbon sources. 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, significant weight to the benefits of the development have been considered.

1.5

Therefore, and taken together, weight to the minor 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 the proposed development.

2.

RECOMMENDATION

2.1

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

A)

Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out

B)

Conditions

And

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

2.2

In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the Council's delivery of housing over the last three years is substantially below its housing target and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

2.3

That, in the absence of the agreement referred to in resolution (2.1) above being completed within the time period provided for in resolution (2.2) above, the planning permission be refused for the following reasons:

1.

The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support its delivery. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

3.

SITE LOCATION AND DESCRIPTION:

3.1

The application site is located on the east side of St Edmunds Lane and comprises an irregular shaped sloping parcel of agricultural land consisting of 3 ha. The site lies to the north east of the first phase of development by the applicant, which benefits from planning permission for the erection of 22 custom/ self-build dwellings.

(UTT/19/1508/FUL)

3.2

A public footpath lies to the north of the application site. Tower View Drive, a group of 2-storey dwellings is found to the south west of the application site. Further, Tower House, a Grade II listed former Windmill is situated to the west of the application site. The site is bound to the east by the Wood at Merks Hall, which is a County Wildlife Site and a stream to the south.

3.3

The site is not located within or adjacent to any conservation areas and there are no listed structures on the site. However, adjacent to and northwest of the site is the Grade II listed building, Tower House, an early eighteenth-century windmill, and house, of red brick with a domed cap. The site is located outside development limits and also outside the housing growth Town Development Area, as designated by the Great Dunmow Neighbourhood Plan.

4. PROPOSAL

4.1

Full planning permission is sought for the erection of 30 no. self-build and custom dwellings.

4.2

Access to the site would be through the adjoining 'Phase 1' residential development to the southwest of the site, that is currently under construction, through an extended estate road.

4.3

The developed part of the site would have a net area of approximately 3 hectares, with a density of approximately 10 dwellings per hectare.

4.4

The site would feature the creation of a public walkway from the development across the open land to the rear of the site, to link into the public footpath to the north, with a

100m2 LAP (Local Area for Play) would running alongside the north-eastern boundary of the site with a landscaped perimeter edge.

5.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

5.1

The proposal amounts to “Schedule 2” development (10. Infrastructure Projects - (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwelling-house development; (ii) does not exceed 150 dwellings and (iii)

the overall area of the development does not exceed 5 hectares, the proposal is not EIA development, and an environmental assessment is not required to assess the environmental impacts of the development.

6.

RELEVANT SITE HISTORY

6.1

UTT/20/1744/FUL - Proposed 30 no. Self-build and custom dwellings - Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow – Refused – 11/06/2021 - Appeal Ref: APP/C1570/W/21/3282098 – 28/11/2022.

Adjoining Sites

6.2

UTT/14/0472/OP - Outline application with all matters reserved for the development of land for the provision of 22 custom / self-build dwellings with associated access, parking provision and amenity space. - Land East Of St Edmunds Lane Great Dunmow Essex – Refused – 23/05/2014 - Appeal Ref: APP/C1570/A/14/2223280 – Appeal Allowed – 15/05/2015.

UTT/17/3623/DFO - Details following outline application UTT/14/0472/OP (allowed on appeal under reference APP/C1570/A/14/2223280) for the construction of 22 no. custom/ self-build dwellings. Details of access, appearance, landscaping, layout and scale - Land East of St Edmunds Lane Dunmow – Approve with Conditions – 11/05/2018.

UTT/19/1508/FUL - Construction of 22 Custom/ Self Build Dwellings (Revised Schemes to UTT/17/3623/DFO) - Land East of St Edmunds Lane Dunmow - Approve with Conditions – 25/06/2020.

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. No pre-application consultation has been carried out prior to the current application. However, extensive discussions with the Council and community took place as part of the previous application that was recently dismissed

at appeal. As such the following consultation events have been held by the applicants:

- Public exhibition held on 10/09/2019.
- Notice of exhibition advertised 2 weeks prior in local newspapers and online.
- Pre-application meetings with Uttlesford District Council on 25/01/2019 & 22/10/2019.
- Pre-application meeting with Great Dunmow Town Council – 04/06/2019.
- Online meeting with members of the Town Council – 20/05/2020.

7.2

Full details of the applicant's engagement and consultation exercises conducted is discussed within Section 5 the supporting Planning Statement.

8.

SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1

Highway Authority – No Objection.

8.1.1

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority (subject to conditions and S106 agreement).

8.2

Local Flood Authority – No Objection.

8.2.1

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

9.Great Dunmow Town Council Comments - Object

9.1

Raise objection in accordance with previous comments submitted. These included the following:

- Harm to the setting of a listed building
- Harm to the character of the countryside
- Contemporary design is not supported
- There is a lack of cycleways in the area
- A financial contribution should be sought for foot/cycle paths.
- A financial contribution to a new swimming pool on the proposed new secondary school site East of Buttleys Lane.

10.

CONSULTEE RESPONSES

10.1

UDC Housing Enabling Officer – No Objection.

10.1.1

The applicant has stated that without prejudice they are willing to agree to an off-site contribution in lieu of the 8 Affordable Rental Properties secured via a legal agreement given the exemption of paragraph 65 of the NPPF in relation to home ownership. Normally, on-site affordable provision is required but given that this is a custom/self-build site an off-site contribution in lieu of the 8 Affordable Rented Properties is acceptable.

10.2

UDC Environmental Health – No Objection.

10.2.1

This service has reviewed the details supplied to support this application and has no objection in principle.

10.3

UDC Landscape Officer/Arborist

10.3.1

No comments received.

10.4

ECC Historic Buildings and Conservation

10.4.1

The proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF this harm would be less than substantial, Paragraph 202 being relevant. I suggest that this harm is towards the low end of the spectrum. I also consider this application to be contrary to Paragraph 206.

10.5

ECC Infrastructure – No Objection.

10.5.1

A development of this size can be expected to generate the need for the financial contribution to mitigate the need for education places based on 30 dwellings for the following:

- Early Years Education: (Financial contribution of £TBC).
- Primary Education: (Financial contribution of £TBC).
- Secondary Education: (Financial contribution of £TBC).

10.6

Place Services (Ecology) – No Objection

10.6.1

No objection subject to securing biodiversity mitigation and enhancement measures.

10.7

NHS – No comments.

10.7.1

The Clinical Commissioning Group only respond to planning applications of 50 or more dwellings so would not be commenting on the site in this instance.

10.8

Aerodrome Safeguarding – No Objection.

10.8.1

No aerodrome safeguarding objections to the proposal subject to conditions.

10.9

Anglian Water – No Objection.

10.9.1

Anglian Water have no objection to this application subject to planning conditions.

10.10

Affinity Water – No Objection.

10.10.1

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices.

11.

REPRESENTATIONS

11.1

The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following issues were raised in representations that

are material to the determination of the application and are addressed in the next section of this report.

-

200 Neighbouring properties sent letters.

-

Site Notice erected close to the site.

-

Press Notice published.

-

8 Comments of objection received.

11.2

Summary of Objections

- Overdevelopment of Dunmow

- Increase in demand for energy and carbon issues
- Impact on green belt land (Officer comment: the application site is not designated as green belt land.
- Impact on privacy
- Impact on wildlife
- Noise pollution
- Impact on mental health
- Concerns regarding access and traffic
- Impact on drainage
- Degrade of woodland
- Impact on the countryside character
- Impact on listed buildings
- Out of keeping with the area
- Lack of infrastructure, including water pressure

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

12.5

Essex Minerals Local Plan (adopted July 2014)

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

Uttlesford District Local Plan (adopted 2005)

Felsted Neighbourhood Plan (made Feb 2020)

Great Dunmow Neighbourhood Plan (made December 2016)

Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)

Thaxted Neighbourhood Plan (made February 2019)

Stebbing Neighbourhood Plan (made 19 July 2022)

Saffron Walden Neighbourhood Plan (made 11 October 2022)

Ashdon Neighbourhood Plan (made December 2022)

13.

POLICY

13.1

National Policies

13.2

National Planning Policy Framework (2021) (NPPF)

13.3

Uttlesford District Plan 2005

S7 – The Countryside

S8 – The Countryside Protection Zone

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV4 – Ancient monuments and Sites of Archaeological Importance Policy

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

13.4

Great Dunmow Neighbourhood Plan
Policy DS1: TDA: Town development Limits
Policy DS8: Building for Life
Policy DS9: Hedgerows
Policy DS10: Eaves Height
Policy DS11: Rendering, Pargeting and Roofing
Policy DS12: Integration of Affordable Housing
Policy DS13: Local Housing Needs
Policy LSC1: Landscape, Setting and Character
Policy GA-A: Public Transport
Policy GA2: Integrating Developments (Paths and Ways)
Policy GA3: Public Transport
Position: HEI-A: Infrastructure Delivery
Policy NE1: Identified Woodland Sites
Policy NE2: Wildlife Corridors
Policy NE3: Street Trees on Development Sites
Policy NE4: Screening
Policy S0S3: Children's Play Space

13.5

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

14.3

A) Background

14.3.1

This application follows on from a previous application under reference UTT/20/1744/FUL, determined in 2021. That proposal involved a full application for 30 no. Self-build and custom dwellings. The application was refused permission on the following grounds:

1.

The proposed development by reason of the site's location lying outside development limits within the countryside, would be harmful to the particular character of the countryside in which the site is set. As such, the development would be contrary to the adopted Uttlesford Local Plan Policy S7 of the Uttlesford Local Plan (adopted 2005,) and Policy DS1:TDA, LSC1 of the adopted Great Dunmow Neighbourhood Plan 2016, whereby the adverse environmental effects arising from this rural harm and loss of openness would significantly and demonstrably outweigh any identified benefits of the submitted scheme, when assessed against the guidance contained in the National Planning Policy Framework (February 2019) when taken as a whole.

2.

The setting of the Grade II listed building at Tower House will be affected by the development, as the existing site positively contributes to its setting and significance through being undeveloped land which preserves its sense of tranquillity and isolation. In particular, the proposed will further separate the listed building from its agrarian context, undermining its significance. Visually the proposed will be intrusive and other factors such as light pollution, noise pollution and general disturbance must be taken into consideration. The proposed would present the harmful sprawl and urbanisation of the site resulting in several impacts to the designated heritage asset, especially considering the diurnal, environmental and seasonal changes. The proposed development would therefore adversely alter the experience, understanding and appreciation of the listed building. The harm to the designated heritage asset is considered to be 'less than substantial', Paragraph 196 of the National Planning Policy Framework (2019) is therefore relevant. Considering the topography of the site, and the impact mentioned above, the 'less than substantial harm' to lies towards the lower half of the scale of harm. Accordingly, the proposal is contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.

3.

The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 – Infrastructure Provision to Support Development, of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2019.

14.3.2

The proposal was subsequently dismissed at appeal, with the Inspector concluding that in ‘the absence of a mechanism to secure the custom and self-build homes, or an affordable housing contribution, presents conflict with the Framework, particularly at paragraph 65 where it requires a minimum contribution to affordable housing as part of its objective to deliver a supply of homes for varying groups in the community.’ As such, ‘the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.’

14.3.3

In order to overcome the concerns in respect of this refused / dismissed scheme the applicant has confirmed to agree to an off-site contribution in lieu of 8 Affordable Rental Properties secured via a legal agreement. As such, the scheme is materially different to that of the previous proposal. In addition, a unilateral undertaking would be signed to secure the entirety of the development for custom and self-build homes. As such, the scheme is materially different to that of the previous proposal.

14.4

B) Principle of development

Housing Delivery

14.4.1

The 2021 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.

14.4.2

Policy DS13 – Local Housing Needs of the Great Dunmow Neighbourhood Plan highlights that residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom including bungalows which accommodate the needs of the elderly.

14.4.3

The NPPF highlights that under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

14.4.4

The most recent self-build register shows there is a demand/need for self-build within the Uttlesford District of 242 entries, with 45% of entrants registering a preference for a 4 bedroom dwelling and only 0.4% of entrants registering a preference for a 1 bedroom dwelling.

14.4.5

The proposed scheme would facilitate the construction of self build & custom residential units in a location close to public transport and local facilities. Whilst the proposal would not include affordable housing on-site, the applicant has committed to providing an off-site contribution, as discussed in more detail under Section F of this report. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

14.4.6

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.

14.4.7

The application site is located outside of the development limits and in the countryside. Uttlesford Local Plan policy S7 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.

14.4.8

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.

14.4.9

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. 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.

14.4.10

The Planning Inspector as part of the previously dismissed appeal at the site considered that ‘the proposed development would inevitably entail a reduction in the openness of the appeal site and some encroachment of the settlement into the surrounding countryside. Despite this, the appeal site would form one of a cluster of developments set around both sides of St Edmunds Lane which together form a more gradual transition between the settlement and the countryside. Together with the recently approved development to the south, the appeal scheme would effectively infill and

round-off the edge of the settlement. This limits its visual impacts and the development would not represent a significant encroachment into the countryside when viewed in combination with those other developments.’ Given that the proposal has not been altered, nor the site circumstances changed significantly from that of the dismissed appeal, no further concerns are raised in relation to the development and how this would accord with Policy S7.

Loss of Agricultural Land

14.4.11

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’.

14.4.12

Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

14.4.13

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.

14.4.14

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.

14.4.15

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.

14.4.16

No assessment of alternative sites of a poorer quality of agricultural category have been undertaken, as such there would be some conflict with Policy ENV5. However, the loss of BMV land as part of the

application, at 3 ha, would be relatively small and such a loss can only be afforded very limited weight in relation to the conflict with this policy. As such 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.

Great Dunmow Neighbourhood Plan

14.4.17

The site is located outside the 'Town Development Area' as designated by Policy DS1:TDA of the Great Dunmow Neighbourhood Plan. The purpose of which is to direct future housing growth, protect the rural setting of Great Dunmow and contain the spread of the town by promoting infill within existing built up-areas.

14.4.18

Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, any adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a)

the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.

b)

the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

c)

the local planning authority has at least a three-year supply of deliverable housing sites; and

d)

d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

14.4.19

The Great Dunmow Neighbourhood Plan is a material consideration, however, as the Neighbourhood Plan is now more than two years old and as such the added protection of Paragraph 14 would not apply in respect to applications involving the provision of housing. It is therefore necessary to assess whether the application proposal is sustainable development.

14.4.20

The Planning Inspector as part of the previous appeal decision concluded that 'the proposal would not cause harm to the character and appearance of the area. While there would be some encroachment of the settlement into the countryside, given the site's location this impact would be limited. Consequently, the proposal would not conflict with the aims of Policy S7 of the ULP or Policy DS1 of the DNP insofar as they relate to protection of the town's rural setting and the character of the countryside.' Given that the scheme has not been altered significantly since the previous appeal decision, no further concerns are raised in relation to the proposal regarding conflict with Policy S7 or DS1 and therefore the previous reason for refusal in relation to this cannot be sustained.

Suitability and Location

14.4.21

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.

14.4.22

Great Dunmow is identified within the Local Plan settlement hierarchy as being "the focal point of the south-eastern part of the District and the second largest settlement in Uttlesford." Where there is a town centre with a number of services and facilities.

14.4.23

Although outside the 'development limits' of Great Dunmow as designated by the Local Plan and the 'Town Development Area' of the Neighbourhood Plan, it is noted as part of a previous appeal for the adjacent site in relation to application reference UTT/14/0472/OP, the Planning Inspector considered that 'given its close proximity to the town centre, along with the location of bus stops providing public transport to Stansted Airport, Braintree and Colchester, local services would be accessible to future occupiers of the proposed dwellings.' Given the applications site lies just beyond the aforementioned development site, towards the western edge of the settlement, it would therefore 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.

Policy Position

14.4.24

The Council is currently unable to demonstrate a 5YHLS supply and therefore paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

14.4.25

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.

14.4.26

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.

14.4.27

However, taking into account the lack of 5YHLS, when reviewed against the aforementioned policies, the proposal is, on balance, considered to be acceptable in principle.

14.5

B) 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 Upper Chelmer River Valley, which stretches from the southern edge of the historic town of Thaxted, southwards to the point at which the river meets the urban edge of Chelmsford.

14.5.5

The area is characterised by gently undulating valley floor has an enclosed character and restricted views often framed by the many riverside and hedgerow trees, a string of small wet woodlands and the sloping valley sides. The assessment describes the key characteristics for the landscape area as being a narrow valley with dense riverside trees, arable valley sides with a fairly open character. Overall, this character area has a relatively high sensitivity to change.

14.5.6

As noted by the Planning Inspectors comments in relation to the site as part of the previous appeal, the proposed development 'would not represent a significant encroachment into the countryside when viewed combination with those other developments.' 'Together with the strategy for landscaping on the site, the development would respect the character and appearance of those neighbouring developments and provide a suitable transition to the countryside beyond.'

14.5.7

As noted above, given that the proposed scheme has not changed significantly from that of the previous application and that the Planning Inspector of the previous appeal considered the impact on this part of the site to be 'limited', no further concerns are raised in relation to the proposal regarding the visual impact and effect on the wider landscape character area.

14.6

C) Design & Neighbouring Amenity

Design

14.6.1

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

14.6.2

Unlike a conventional detailed application, the finalised layout and scale of the proposed development cannot be considered at this stage. This is due to the various extension and garage options that are available for the proposed plots. These will be determined by the purchaser and, like external materials, it is proposed that these be controlled by condition for final details to be agreed prior to the commencement of work on each plot.

14.6.3

In terms of design selection for the house types, the submitted Design Code and Plot Parameter Plan set the maximum dwelling width, depth, eaves height and ridge height as well as the materials pallet. This is intended to allow flexibility for the self-builder whilst providing the Council with certainty of what would be delivered. The

Design Code sets out, for example, the line of house frontages, depth of build zone, plot co-ordinates and maximum ridge and eaves heights. In terms of construction, the developer would promote the “Golden Brick” principle where the plot buyer would have the option of self-building the dwelling from slab level upwards or request that the dwelling is variously constructed to roof level or the third option being a “Turn-key” dwelling where the buyer simply chooses internal layout etc. The scheme adopts a modular approach to the various house types.

14.6.4

The applicant is proposing a range of different house types for each plot, which are designed as single, two and two and a half storeys in height, in keeping with the scale of existing housing development locally and set within 3no. distinct character areas:

14.6.5

Area 1: The layout of area 1 seeks to continue the theme set by Phase 1, with cottage style properties facing the main road. All the parking is provided behind or to the side of the properties to ensure that the parking of cars will not detract from the street scene. The intention being to create an attractive and varied street scene similar to the villages found in the surrounding area such as Newport, Thaxted, Great Bardfield & Finchingfield.

14.6.6

Area 2: The side road has a semi-rural design theme with mixture of cottage and agricultural styled properties to either side of the road leading to a feature house and neighbouring barn style property at its end.

14.6.7

Area 3: Sits in front of the woodland at Merks Hall and opposite the more traditional area 2. It is designed to create an area that appears like a modern addition to the settlement. The intention being to create a greater range of choice for self-builders. The design of the illustrative houses has been inspired by European woodland developments, that combine natural materials, such as native hardwoods with large, glazed areas to create highly energy efficient buildings.

Scale

14.6.8

The scale of the house types would comprise generally a mix of 1, 1½ and 2 storey dwellings across the development. The details would be fixed by various building parameters as part of a Design Code, submitted within the applicants Design & Access Statement. Front doors to each property would face the street, with parking spaces to the side / rear of buildings and there to be native hedge planting to front boundaries.

14.6.9

The Inspector as part of the previous application appeal noted that the ‘exact location of the houses on the plots and the design of the houses, will vary, the proposal includes a detailed design code which would place restrictions on parameters including eaves and ridge heights, as well as building footprints, materials and boundary treatments.’ No concerns were raised the Inspector in relation to the

contents / parameters as set out by the design code and the details for the units within each plot would be subject to approval of details applications.

14.6.10

Given the above, it is concluded that the proposed scale of the development would be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, Policy DS10 of the Great Dunmow Neighbourhood Plan, and the Essex Design Guide.

Landscaping

14.6.11

Each plot has sufficient garden amenity space to serve the maximum size property which could be achieved for that plot given the extension/garage options. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.

14.6.12

The proposal would also provide an area of public open space featuring a 100m² Local Area for Play (LAP) to the northern part of the site.

14.6.13

A landscaping scheme and strategy have been submitted with the application. It is proposed to plant native species hedges between each plot, with specimen trees to create a semi-rural appearance. A tree belt is

also proposed around the LAP that will screen the development from the north and create a high-quality public open space. The existing vegetation to the south will be retained and enhanced. The proposed mix of planting is considered to be appropriate for this edge of settlement site and no objections are therefore raised under ULP Policy GEN2 and GDNP Policies DS9 and NE4.

Neighbouring Amenity

14.6.14

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.

14.6.15

As noted above, the proposal would be up to 2 ½ storeys in scale. The proposed site would be located due east of closest neighbouring residential development, where there would be a soft-landscaped buffer between the sites that would adequately offset any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook.

14.6.16

In terms of noise disturbance from construction works, the construction phase of the site would be a temporary disturbance and an unavoidable aspect of new development. The Control of Pollution Act would provide protections in terms of hours

of work and preventing unreasonable noise disturbance being created to neighbouring occupiers.

14.6.17

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

D) Heritage impacts and Archaeology Impact on the setting of Listed Buildings

14.7.1

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.

14.7.2

The site is not located within or adjacent to any conservation areas and there are no listed structures on the site. However, adjacent to and northwest of the site is the Grade II listed building, Tower House, an early eighteenth-century windmill and house, of red brick with a domed cap.

14.7.3

The ECC Place Services Conservation Officers have been consulted with as part of the application. They consider that the proposed development of thirty dwellings would result in several adverse impacts in line with Historic England's Setting of Heritage Assets (GPA Note 3) and would present cumulative harm to the setting and significance of the adjacent listed building, Tower House. The proposals will adversely alter the agrarian setting of the Tower House, particularly views from the north and east, and wider views from the south. Furthermore, other environmental factors such as noise, general disturbance and light spill must also be considered.

14.7.4

In their assessment, the proposals would fail to preserve the special interest of the listed building, this harm would be less than substantial, with this harm being towards the low end of the spectrum.

14.7.5

The Appeal Inspector as part of the previously dismissed appeal came to a similar conclusion in terms of the proposals effect on the setting of Tower House. They noted that 'the semi-rural setting contributes to the appreciation of, and therefore the significance of, this heritage asset.' 'The appeal scheme would impact upon the setting of the listed building.' However, 'the northern part of the field would remain undeveloped, and this would retain the main open area across which the listed building is viewed from the public footpath.'

14.7.6

The Inspector then goes on to surmise that 'due to the gradient of the land and the distance of the proposed development from the footpath, it would primarily be the roof slopes as well as parts of the first floor levels which would be apparent in those views. The landscaping buffer proposed to the northern side of the development would also provide screening to varying degrees. As a result, whilst the development would alter the sense of the listed building being set in a wider rural landscape, the development would not be dominant in those views nor visually detract or compete with it.'

14.7.7

'The development may entail additional external lighting and a degree of light pollution, alongside general movements and noise associated with the use of residential properties. However, given the distance of the proposed development from the listed building, proximity of other residential uses, and clear separation by boundary treatments, these impacts on the setting of the listed building would not be harmful.'

14.7.8

On the other hand, the Inspector did concede that 'the proposal would introduce a new footpath linking the proposed houses to the network of public footpaths to the north. By doing so, new public views of the listed building would be created. This would increase opportunities for the public to appreciate and experience the heritage asset across the open field, which is an important part of its setting and significance. This would be a significant public benefit.'

14.7.9

In terms of the "tilted balance", as set out in Section B of the Report, paragraph 202 of the National Planning Policy Framework 2021 (NPPF)

advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Archaeology

14.7.10

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.

14.7.11

The ECC Archaeological Team have not commented on the application. However, it is noted that the Specialist Archaeological Adviser at Place Services, Essex County Council commented on the previous application and reported that the application site has the potential for surviving archaeological deposits and has recommended a series of pre-development conditions of archaeological investigation and reporting, which would be adequately secured by condition.

14.7.12

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.

14.8

E) Affordable Housing Mix and Tenure

Affordable Housing

14.8.1

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

14.8.2

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.

14.8.3

Paragraph 65 of the Framework which sets out that planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. An exemption to this provision is given where the proposal is to be developed by people who wish to build or

commission their own homes. The footnote states that affordable home ownership is part of an overall affordable housing contribution, and that the exemption is made therefore in relation to this part. As such, the Framework is not intended to exempt self-build and custom build housing entirely from the requirement to provide affordable housing, only that it would not be required to provide affordable homes for ownership.

14.8.4

The Inspector as part of the previously dismissed appeal noted that 'by comprising entirely self-build plots, the proposed development would have been exempt from making an affordable housing contribution under the provisions of paragraph 65 of the Framework. In the absence of a mechanism to ensure that the proposal conforms to the exceptions given in paragraph 65, and in the absence of any other affordable housing being secured, the development would not accord with the objectives of the Framework insofar as they relate to delivery of affordable housing. The absence of such a contribution to affordable housing therefore weighs against the development.'

14.8.5

Given the above exemption the proposal would still be subject to the provision of affordable rented housing as per the requirements of Policy H9 of the Local Plan. Normally, on-site affordable provision is required. However, in consultation with the

Council's Housing Officer, given that the application relates to the construction of custom/self-build units, an off-site contribution in lieu of the 8 Affordable Rented Properties is considered to be acceptable. As such, the proposal would contribute to the creation of a mixed and balanced community in this area. This would represent a significant public benefit that would weigh in favour of the proposed development and would overcome the concerns raised by the Inspector as part of the dismissed appeal.

Housing Mix

14.8.6

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)'.

14.8.7

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

14.8.8

The accommodation mix would be subject to those on the self-build register who come forward to acquire the plots. However, as noted above there is a significant proportion of entrants on the register who are seeking to build 4 bedroom units (109 - 45%), with the 2nd highest being entrants registering a preference for a 3 bedroom dwelling (75 – 31%).

14.8.9

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.

14.8.10

The applicant has suggested the following indicative mix to accommodate for the needs of those on the self-build register as follows: 2 bed units at 23%, 3 bed units at 27%, 4 bed units at 43% and 5 bed units at 7%. This would be an appropriate mix, given the housing needs as required by entrants on the self-build register. As such, it is considered that the proposed off-site contribution to affordable housing and the overall mix and tenure of housing provided within this proposed development is acceptable and in accordance with policies H9 of the Local Plan & DS12 & DS13 of the Great Dunmow Neighbourhood Plan.

14.9

F) Access and Parking

Access

14.9.1

Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.9.2

The proposed development is served from the access arrangement and internal access road to be constructed under UTT/19/1508/FUL. Therefore, if this planning consent were to be implemented, the access arrangement, internal access road and associated footway with pedestrian crossing point of St Edmunds Lane must be constructed, prior to commencement of the development, to ensure safe and suitable access to the site is provided.

14.9.3

The highway authority has advised that the most appropriate way to mitigate the impact of the development is through provision and improvement of sustainable transport connections and to this end a contribution to bus services has been requested as part of the proposal. As such, the highway authority does not consider the residual cumulative impact on the highway network to be severe and there would be a number of measures incorporated to promote active travel to and from the site, nor have any concerns been raised with regards to the proposals impact upon highway / pedestrian safety in this regard.

14.9.4

Overall, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the aforementioned policies, subject to conditions and a S106 agreement securing planning obligations.

14.10

G) Nature Conservation & Trees

Nature Conservation

14.10.1

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

14.10.2

The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is adjacent to a section of Ancient Woodland and is within 100m of Merks Hall County Wildlife Site.

14.10.3

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). However, as this application is less than 50 units, as such, 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.

14.10.4

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

14.10.5

Standing Advice issued by Natural England and The Forestry Commission recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Merks Hall Wood in respect of any resulting loss or deterioration.

14.10.6

The proposed reasonable biodiversity enhancements including the installation of bird and bat boxes, Hedgehog refugia and Barn Owl box and the creation of ponds as well as the planting of native trees and hedgerows, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

Trees

14.10.7

The proposed development would not result in the loss of any trees or hedgerows in order to facilitate the development. In addition, there would be extensive planting of street trees is proposed throughout the

development and also to soften the perimeter of the site and to reinforce existing areas of soft landscaping to the boundaries of the site. As mentioned above, a landscaping scheme and strategy have been submitted with the application. It is proposed to plant native species hedges between each plot, with specimen trees to create a semi-rural appearance. A tree belt is also proposed around the LAP that will screen the development from the north and create a high-quality public open space. The existing vegetation to the south will be retained and enhanced. The proposed mix of planting is considered to be appropriate for this edge of settlement site.

14.10.8

Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8 and DS9, NE2, NE3 & NE4 of the Great Dunmow Neighbourhood Plan.

14.11

H) Climate Change

14.11.1

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

14.11.2

The applicant has not submitted an energy and sustainability statement. However, as part of the submitted Design & Access Statement the applicant has committed to sustainable construction methods and the use of renewable energy systems within the proposed housing. Timber frame construction would be used, using prefabricated 'renewable' timber frame manufactured within workshop environment which speeds up construction time and allows better levels of insulation. The dwellings would also make use of air source heat pumps and solar panels. Given the nature of the project the full extent of the sustainable measures would become clearer prior to the fit out of each unit. As such, a condition relating to the installation of sustainable energy measures is to be attached.

14.11.3

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

14.12

I) Contamination

14.12.1

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.

14.12.2

The Council's Environmental Health Officer has been consulted on the application and notes that there is no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Therefore, a condition is to be attached to ensure that if any land contamination identified, the site shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

14.12.3

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

14.13

J) Flooding

14.13.1

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

14.13.2

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.

14.13.3

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

14.13.4

Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.

14.13.5

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

14.14

K) Air Quality

14.14.1

The site is not located within a poor air quality zone 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. A condition relating to the installation of charging points for electric vehicles is requested and this is to be included.

14.14.2

Given the above, the proposals would comply with Uttlesford Local Plan Policy ENV13.

14.15

L) Planning Obligations

14.15.1

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

14.15.2

•

The provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £TBC).

•

The provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £TBC).

•

The provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £TBC).

•

A financial contribution of £110,430 (index linked) towards to contribute to a bus strategy for Great Dunmow which will provide a regular service to the proposed development / along St. Edmunds Lane.

•

Residential Travel Plan.

15

ADDITIONAL DUTIES

15.1

Public Sector Equalities Duties

15.2

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.

15.3

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.

15.4

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

15.5

Human Rights

15.6

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

With Uttlesford District Council unable to demonstrate a 5YHLS supply as a consequence paragraph 11d of the NPPF therefore applies 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 there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

16.2

The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.

16.3

In respect to addressing the benefits of the proposed development, the comments raised by the Planning Inspector as part of the dismissed appeal in relation to the site are a material consideration. The Inspector considered that 'the proposal would introduce a new footpath linking the proposed houses to the network of public footpaths to the north. By doing so, new public views of the listed building would be created. This would increase opportunities for the public to appreciate and experience the heritage asset across the open field, which is an important part of its setting and significance. This would be a significant public benefit.'

16.4

In addition to this, the proposed development would provide 30 new self-build homes in which Local Authorities are required to have regard to this and to give enough suitable development permissions to meet the identified demand. The proposal would also provide an off-site contribution in lieu of the 8 Affordable Rental Properties. These elements would also represent a significant public benefit.

16.5

The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy.

16.6

In terms of the adverse impacts of development, the proposal would result in less than substantial harm to the significance of heritage assets, at the lower half of the scale.

16.7

The main turning point from the previous application in terms of the dismissed appeal relate to securement of an appropriate affordable housing contribution. Without this, as per the previous appeal, the proposal was considered to cause 'harm through a failure to provide a policy compliant affordable housing contribution. This would undermine the national objective to address the need for different types of housing and the ULP Policy H9 requirement for affordable housing. The effects of this lack of provision would be significant and long lasting and would be in direct conflict with the Framework.' This harm was ascribed substantial weight by the Inspector. However, given the proposal now includes an affordable housing contribution, the proposal would now be compliant and overcome the reason for the dismissed appeal.

16.8

Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

16.9

Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

16.10

It is therefore recommended that the application be approved subject to a S106 and suggested conditions.

17.

S106/ CONDITIONS

17.1

S106 HEADS OF TERMS

17.2

i.

Off-site financial contribution in lieu of the 8 Affordable Rental Properties.

ii.

Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.

iii.

Payment of education financial contributions; Early Years, Primary, Secondary and Libraries.

iv.

Provision and long-term on-going maintenance of public open space (including LAP).

v.

Financial contributions towards bus services.

vi.

Monitoring cost.

vii.

Payment of the council's reasonable legal costs.

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 as set out in the Schedule.

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

3

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

REASON: Paragraphs 163 and paragraph 170 of the National Planning Policy Framework state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

4

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

REASON: The Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan 2005.

5

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI.

REASON: The Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan 2005.

6

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

REASON: The Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan 2005.

7

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site.
- ii. The parking of vehicles of site operatives and visitors.
- iii. Loading and unloading of plant and materials.
- iv. Storage of plant and materials used in constructing the development.
- v. Wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8

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 interests of the amenity of surrounding locality residential/business premises in accordance with Policies

GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

9

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of

the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

-

Verification of the suitability of infiltration of surface water for the development.

-

This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

-

Limiting discharge rates to 7.2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

-

Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

-

Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

-

Detailed engineering drawings of each component of the drainage scheme.

-

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

-

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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 and to provide mitigation of any environmental harm which may be caused to the local water environment in

accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

10

Prior to the commencement of the development, 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 measures to protect the adjacent Priority habitat, Ancient Woodland and Local Wildlife Site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

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 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.

11

Prior to any works above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Updated Ecology Report (A. R. Arbon, December 2022), shall be submitted to and approved in writing by the local planning authority. This is to include the height and aspect the products will be installed at.

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 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.

12

Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options and layout within the plot and the materials to be used in the construction for that plot, including energy efficiency measures shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom/self-build scheme in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

13

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

14

Prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development.

The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm 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 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.

15

Prior to the first occupation of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, 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 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.

16

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Ecology Report (A. R. Arbon, December 2022) as well as the 15m buffer from Ancient Woodland as identified in the Landscaping Plan, drawing no. 565.123 D (Pelham Structures Ltd., January 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.

17

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

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

18

Cycle parking shall be provided for each dwelling in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

19

All hard and soft landscape works shall be carried out in accordance with the approved details as shown on the Landscape Strategy drawing 565.123 D. The works shall be carried out before any part of the development is occupied or in accordance with a programme agreed with the local planning authority in accordance with ULP Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

REASON: In the interests of the appearance of the site and the area in accordance with ULP Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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 in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

21

Prior to first occupation of the development, highway improvements in the vicinity of the site on St Edmunds Lane shall be provided. These shall include but not be limited to:

- i. formalisation of the bus stop / improvements to the passenger transport infrastructure at the 'informal' bus stop located on the east of St Edmunds Lane along the site frontage, including raised kerbs, hardstanding, flags, timetables, pedestrian crossing points, a length of footway from the site access to the bus stops, and any other related infrastructure as deemed necessary by the Highway Authority.
- ii. Provision of a Vehicle Activated Sign (VAS). The infrastructure shall be provided entirely at the expense of the developer including any required safety audits, traffic regulation orders and other requirements for technical approval.

REASON: To provide access to sustainable forms of transport for users of the site and in the interest of highway safety, in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

22

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

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

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

mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

23

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

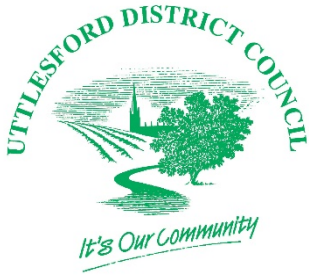
24

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.

Appendix 1 – Statutory Consultee Responses

Agenda Item 7



ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 01 May 2024

REFERENCE NUMBER: UTT/24/0585/FUL

LOCATION: Old Cottage
Start Hill
Stane Street
Great Hallingbury

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 15 April 2024

PROPOSAL: Closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 no. dwellings.

APPLICANT: Mr C and P Huber and O'Sullivan (The Spartan Group Holdings Ltd and PMJ Services Ltd)

AGENT: Mr J Bell (J Bell Design & Conservation Ltd)

EXPIRY DATE: 30 April 2024

EOT EXPIRY DATE: 06 May 2024

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Within Countryside Protection Zone.
Within Archaeological Site.
Road Classification (Dunmow Road/Start Hill – B Road).
Within 2km of SSSI.
Within 250m of Landfill Site.
Within 6km of Stansted Airport.
Within 57dB 16hour LEQ.
Within 250m of Local Wildlife Site (Fritch Way).

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Driscoll).

1. EXECUTIVE SUMMARY

- 1.1** This a full planning application for the closure of the existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 no. dwellings.
- 1.2** The development site is located outside development limits within the countryside and the Countryside Protection Zone (CPZ) around Stansted Airport. As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.
- 1.3** The planning balance under paragraph 11(d)(ii) of the NPPF is in favour of the proposal. The proposed development would not harm the character

and appearance of the area and would preserve the Countryside Protection Zone over and above the extant planning permission for 7 no. dwellings ('see planning history').

- 1.4 It has been concluded that the benefits of the development would significantly and demonstrably outweigh the adverse effects, and thereby the application should be approved subject to conditions. No adverse effects have been identified given the fallback position.

2. **RECOMMENDATION**

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

A) Conditions.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises land with scattered outbuildings formerly in relation to the semi-detached dwellings of Old Cottage and White Cottage, located to the south of Dunmow Road (B1256) across the development limits in Start Hill. A single vehicle crossover provides access to the site. There are existing residential properties across the road to the north, as well as dwellings to the east and a recent planning permission granted on appeal for 3 no. dwellings. To the west land has an extant planning permission granted on appeal for 15 no. dwellings (that has commenced). The southern site boundary is adjacent to a protected tree belt (Tree Preservation Order) and a brook with employment land and commercial uses further south. 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 road close to the site. The overall area is one of semi-rural character with dwellings and other buildings of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

- 4.1 This a full planning application for the closure of the existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 no. dwellings. The application does not propose any affordable units.
- 4.2 The application includes the following documents:
- Application form
 - Biodiversity checklist
 - Arboricultural impact assessment
 - Ecology statement
 - Environmental noise assessment
 - Flood risk statement and drainage strategy
 - Planning statement

- Speed measurement data report
- Transport statement
- Applicant's comments
- Covering letter
- Response to Ecology.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/24/0705/DOC	Application to discharge condition 22 (CMP) of UTT/21/3339/F UL.	Pending consideration.
UTT/23/1950/FUL	Closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 dwellings.	Refused (09.02.2024) – 1. The proposed development is unacceptable by reason of its size, scale, design and layout resulting in over development of the site through reduced garden sizes, lack of green space and a poor parking layout to the detriment of the residential amenity contrary to Local Plan Policies GEN2, Essex Design Guide, Essex Parking Standards (2009), Uttlesford Residential Parking Standards (2013) and the NPPF.
UTT/22/3528/NMA	Non-material amendment to UTT/21/3339/F UL- Adjustment of site boundary in the vicinity of plot 1.	Approved (20.01.2023).
UTT/22/3336/DOC	Application to discharge conditions 3 (archaeology), 5 (contamination),	Discharged in full (08.02.2023).

	12, 13 and 14 (ecology) attached to UTT/21/3339/FUL.	
UTT/21/3339/FUL	Proposed erection of 7 no. dwellings including the closure of existing access, creation of new access and associated infrastructure.	Approved with conditions (28.06.2022). Extant permission until 28 June 2025.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this application. No statement of community involvement has been submitted prior to the submission of this application however, this is a non-major application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 National Highways

8.2.1 No objections unconditionally (see full response in Appendix 2).

8.3 Historic England

8.3.1 No comments (see full response in Appendix 3).

9. PARISH COUNCIL COMMENTS

9.1 The following comments were received:

- **Object:**
 - Start Hill is becoming overdeveloped.
 - Impact on the Countryside Protection Zone.
 - Impact on the countryside.

- Small scale housing estates.
- Infrastructure pressures (water).
- Poor utilities and risk for emergency services.
- Highway safety concerns.
- Fast, unlit and busy B road.
- Changing ground levels.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 Place Services (Ecology)

10.2.1 No objections subject to conditions.

10.3 Place Services (Archaeology)

10.3.1 No objections unconditionally.

10.4 Safeguarding Authority for Stansted Airport

10.4.1 No objections subject to conditions.

10.5 National Air Traffic Services (NATS)

10.5.1 No objections unconditionally.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties (period for comments closes 1 May 2024).

11.2 Support

11.2.1 No comments of support were received.

11.3 Object

11.3.1 Cllr Driscoll wrote:

- Call-In request if recommended for approval:
 - Overdevelopment of site.
 - Highway safety concerns.
 - Insufficient parking / insufficient visitors' parking.
 - Mixed land uses in the area.
 - Lack of services and facilities.
 - Reliance on cars.
 - Inaccuracies in submissions.
 - 14 no. houses under construction to the west.

- No relevant changes in comparison to refused application.

11.3.2 The following comments were received by the public:

- **Object:**
 - Old Cottage not in the ownership of the applicants.
 - The extant permission (7 no. dwellings) included drainage system.
 - The drains from Old Cottage and White Cottage must be connected to the drainage system of the new development (public health issue).
 - Inadequate foul water drainage system.
 - Extant permission (7 no. dwellings) included parking for Old Cottage.
 - The proposal doesn't include parking for Old Cottage.
 - Insufficient parking to accommodate more dwellings.
 - Septic tank in Old Cottage's garden has worked satisfactorily.
 - Site clearance – outflow from septic tank surfaced (odours, insects).
 - Health and environmental concerns (garden use).
 - Plot 7 over the existing septic tank.
 - Slope of the site is being levelled.
 - Plot 7 to be elevated.
 - Overbearing effects.
 - Loss of light and overshadowing.
 - Overdevelopment of site.
 - Parking concerns.
 - Loss of green views.
 - Highway safety concerns.
 - Speed limit must be reduced / traffic calming necessary.
 - Inappropriate density.
 - Value of retaining green spaces.
 - Harm to character and appearance (countryside).
 - Air pollution and other disturbances.

11.4 **Comment**

11.4.1 All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues are civil matters beyond planning.

12. **MATERIAL CONSIDERATIONS**

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

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

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

12.3 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport 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 (December 2023).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S8	Countryside Protection Zone
	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H10	Housing Mix
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV10	Noise Sensitive Development
	ENV11	Noise Generators
	ENV12	Protection of Water Resources

ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Neighbourhood Plan

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

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A Principle of development / character and appearance (S7, S8, GEN1, GEN2, ENV3, NPPF)**
 - B Housing mix / Climate change (H10, GEN2, ENV3, SPD Accessible Homes & Playspace, Interim Climate Change Planning Policy, Essex Design Guide, NPPF)**
 - C Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)**
 - D Access and parking (GEN1, GEN8, parking standards, NPPF)**
 - E Ecology (GEN7, ENV8, NPPF)**
 - F Contamination (ENV14, ENV12, ENV13, NPPF)**
 - G Archaeology (ENV4, NPPF)**
 - H Flood risk and drainage (GEN3, NPPF)**
 - I Other matters**

14.3 **A) Principle of development / character and appearance (S7, S8, GEN1, GEN2, ENV3, NPPF)**

14.3.1 Housing land supply:

The local planning authority (LPA) cannot demonstrate a 5 year housing land supply (5YHLS) with a 20% buffer. By virtue of paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the 5YHLS. Paragraph 11(d) of the NPPF must therefore be engaged, which would arguably be the case anyway as the LPA's Development Plan is not fully up to date.

14.3.2 Background:

Planning permission has been granted for 7 no. dwellings and access on the same site (LPA reference UTT/21/3339/FUL), which is extant until 28 June 2025. Despite this 'fallback position', another application for 9 no. dwellings, access, and demolition of the existing outbuildings (UTT/23/1950/FUL) was refused by the planning committee on 09

February 2024, overturning the officer's recommendation for approval. The application was refused on the grounds of its scale, design and layout resulting in overdevelopment of the site through reduced gardens, lack of green space and a poor parking layout, contrary to policy GEN2, parking standards, the Essex Design Guide, and the NPPF.

14.3.3 The key changes since the refused application (UTT/23/1950/FUL) include:

- Smaller application site (red line).
- Scale, layout and design changes:
 - Plots 2 and 3 rotated (front elevations facing south-east from north-east)
 - Plots 8, 9, 1 moved closer to the northern boundary
 - Plot 7 repositioned, redesigned and scaled down
 - Plot 4 repositioned
 - Omission of plot 4 and 7 garages
 - Increased garden spaces and shared green spaces
 - Additional visitors' parking spaces.
- Internal alterations.

14.3.4 The current scheme is also for 9 no. dwellings, access and demolition of the existing outbuildings. Notwithstanding the recent refusal (UTT/23/1950/FUL), by virtue of the fallback position (UTT/21/3339/FUL), the principle of the residential use of the application site is acceptable. However, the principle of the development will need to be assessed against any material change in circumstances since the latest decision, as well as the impact of any changes and the addition of 2 no. dwellings over and above the extant permission to the character and appearance of the countryside and the CPZ and other planning considerations.

14.3.5 The 5YHLS was reduced from 5.14 to 4.50 years in relation to UTT/23/1950/FUL but this not a significant change given that the planning balance under paragraph 11(d) of the NPPF was previously engaged anyway given that the Development Plan is not fully up-to-date. The sustainability credentials of the location remain the same as previously examined in UTT/23/1950/FUL and UTT/21/3339/FUL.

14.3.6 Character and appearance (CPZ, countryside):

Land that surrounds Stansted Airport is designated as Countryside Protection Zone (CPZ). Policy S8 of the Local Plan aims to provide an extra layer of protection on top of policy S7 (countryside), as this area around the airport is under development pressure. The LPA commissioned a 'Countryside Protection Zone Study' (2016) which identified parcels of the CPZ and tested them under its four purposes (protect openness; restrict spread of development; protect countryside; prevent coalescence). The application site lies within parcel 1 ('Tile Kiln Green') that scored 'medium' for its contribution to the first three purposes and 'low' for its contribution to the prevention of coalescence. The intention of the CPZ is to provide a green 'lung' around Stansted Airport as a non-statutory 'mini-green belt', as stated in the 2016 study.

- 14.3.7** Although the CPZ acts as ‘mini-green belt’, its status has limited backing in the NPPF and a number of recent appeal decisions have shown that it would be difficult to substantiate coalescence and/or harm to the open characteristics of the CPZ to the south of the A120 given the prominent physical presence of this infrastructure. Most importantly, recent appeal decisions have questioned the over-restrictive nature of policy S8 given that it goes beyond paragraph 180 of the NPPF as it seeks to protect land from housing, other than required for the rural area. Therefore, policy S8 of the Local Plan is afforded limited-to-moderate weight.
- 14.3.8** The local character contains a semi-rural setting because “*The pattern of existing development along Dunmow Road together with the amount and speed of traffic using the road has largely compromised the area’s ‘rural characteristics’*”¹. The local sense of openness is limited given the presence of a protected tree belt to the southern boundary (Tree Preservation Order) with sizeable commercial buildings further south, as well as a tree row and residential properties across the road to the north. To the east of the application site there is an extant planning permission for 3 no. dwellings (UTT/22/1719/FUL) and to the west another extant planning permission for 15 no. dwellings that has commenced on the neighbouring site. The site, by reason of its limited openness, its position with built form on all sides, and its domestic appearance (given the presence of outbuildings), makes a limited contribution to the character and appearance of the CPZ and the countryside.
- 14.3.9** The proposed layout would demonstrate adequate spaces between dwellings with a mix of detached and semi-detached dwellings that shall vary in scale, design, and materials. The design, appearance and layout of the proposed dwellings would be compatible with those of the surrounding buildings, are visually attractive and sympathetic to the local character, including the surrounding built environment and landscape setting.
- 14.3.10** The footprint of the proposed built form has been reduced by 12% in comparison to the refused scheme (UTT/23/1950/FUL) and increased by 19% in relation to the footprint of the buildings as approved in the extant permission (UTT/21/3339/FUL)². Considering the addition of 2 no.

¹ APP/C1570/W/21/3268990 (UTT/20/1098/FUL), paragraph 10; for the construction of 15 no. new dwellings including 6 no. affordable, vehicular access, parking and landscaping and other associated works – Appeal allowed on 01 November 2021.

² Footprint proposed: plot 1 (98.6 sqm) + plots 2-3 (141.9) + plot 4 (101.3) + plots 5-6 (141.5) + plot 7 (93.7) + plots 8-9 (119.4) = **696.4 sqm (12% reduction to refused scheme, or 19% increase to extant scheme)**.

Footprint (refused UTT/23/1950/FUL): plot 1 (98.6 sqm) + plots 2-3 (141.9) + plot 4 (101.3) + plots 5-6 (141.5) + plot 7 (101.8) + plots 8-9 (119.4) + garage for plot 4 (39.5) + garage for plot 7 (36.6) = **780.6 sqm**.

Footprint (extant UTT/21/3339/FUL): plot 1 (84.7 sqm) + plot 2 (69.5) + plot 3 (69.5) + plot 4 (84.3) + plot 5 (150.0) + plots 6-7 (126.7) = **584.7 sqm**.

dwellings and the revisions to the refused scheme, the proposed scale and footprint of the development is modest. Appropriately sized gardens can be provided for each dwelling (see Section 3), as well as parking spaces and turning areas, including visitors' parking (see Section 4). Therefore, the proposals would still preserve the character and appearance of the area over and above the impact of the 'fallback position' and would not amount to over-development nor compromise the four purposes of the CPZ (including preventing coalescence between the airport and the settlement pattern in the area). Consequently, the proposal, by reason of its location, use, scale, amount, design and layout, would accord with policies S8, S7, GEN1, GEN2, ENV3 of the Local Plan, and paragraphs 135 and 180(b) of the NPPF.

14.3.11 The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 180 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside. Applying paragraph 225 of the NPPF to the above, policy S7 should be afforded significant weight.

14.3.12 Permitted Development rights for extensions and outbuildings must be withdrawn to preserve the character and appearance of the CPZ and countryside, the openness of the CPZ, to avoid over-development of the site, and to safeguard residential amenities with appropriately sized gardens, in accordance with policies S8, S7, GEN2 of the Local Plan, and the NPPF.

14.3.13 Landscaping and other mitigation measures (such as the proposed green infrastructure, etc.) would further reduce impacts to the countryside and CPZ. However, existing and proposed green screening cannot be relied upon continuously as it can vary due to health, maturity, and season, and as such, careful consideration must be given to safeguard residential amenities between the future occupants of the proposed dwellings and between the future and neighbouring occupants in the area (see Section C).

14.3.14 Conclusion:
The planning balance under paragraph 11(d) of the NPPF would tilt in favour of the principle of the development (see Conclusions).

14.4 **B) Housing mix / Climate change (H10, GEN2, ENV3, SPD Accessible Homes & Playspace, Interim Climate Change Planning Policy, Essex Design Guide, NPPF)**

14.4.1 Heritage impacts:
There are no heritage assets in the vicinity that would be affected by the proposed development (given the distances and intervening buildings), in accordance with paragraph 208 of the NPPF, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and

policies ENV1, ENV2 of the Local Plan. Historic England refrained from commenting. As there would be no heritage harm, the heritage balancing exercise is not necessary.

14.4.2 Housing mix:

Policy H10 of the Local Plan is applicable on sites of 0.1 hectares and above or of 3 no. or more dwellings (being relevant on this occasion), requiring a significant proportion of market housing comprising small properties. In light of paragraph 63 of the NPPF, recent evidence in the Local Housing Needs Assessment (LHNA) Update (October 2023) prepared for the emerging Local Plan 2021 – 2041 (Reg18) recommends a need for 2-bed accommodation and for rented affordable housing to provide a range of different sizes of homes, including 30% of 3+ bedroom properties. However, this evidence has not yet been formally accepted by the LPA and holds limited weight. The proposed housing mix contains 2 x 2-bedroom dwellings, in compliance with policy H10 of the Local Plan. There is no requirement for affordable housing.

14.4.3 Climate change:

The sustainability measures proposed include electric vehicle charging points³. These energy efficiency measures would comply with the adopted Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy and section 14 of the NPPF.

14.5 **C) Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)**

14.5.1 The proposed units would have the following occupancies and gross internal areas (GIA) exceeding the minimum thresholds (see brackets)⁴:

- Plot 1: 4B6P including the study given its size (> 106 sqm of minimum GIA)
- Plot 2: 3B4P (> 84 sqm)
- Plot 3: 3B5P excluding the study given its size (> 93 sqm)
- Plot 4: 4B6P (> 106 sqm)
- Plot 5: 3B4P (> 84 sqm)
- Plot 6: 3B4P (> 84 sqm)
- Plot 7: 5B8P including the study given its size (> 128 sqm)
- Plot 8: 2B4P (> 79 sqm)
- Plot 9: 2B4P (> 79 sqm).

14.5.2 The proposal would have adequate gardens (100 or 50 sqm threshold, see Essex Design Guide) and no garden space would be materially lost for any neighbouring properties.

14.5.3 In terms of noise, odours, dust, vibrations, light pollution and other disturbances, Environmental Health raised no objections subject to conditions to safeguard residential amenities (see also Section F). The

³ See Proposed Site Plan.

⁴ See Technical Housing Standards – Nationally Described Space Standard.

conditions refer to construction impacts and a noise protection scheme to be implemented in accordance with section 7 of the acoustic report submitted with the application. Notwithstanding the previous objection from the Safeguarding Authority for Stansted Airport in UTT/23/1950/FUL based on the effect of aircraft noise on the residential amenity of future residents, the 'fallback position' for 7 no. dwellings would not justify a refusal on these grounds. The condition about the construction impacts shall be made prior to slab level as works have commenced on site in relation to the extant permission.

14.5.4 In terms of the amenity of neighbouring occupiers, due to the scale, design and position of the proposed bungalow in relation to the neighbouring dwellings, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, no material overshadowing, overlooking (actual or perceived) and overbearing effects are considered.

- Potential overlooking and loss of privacy:

The comments from neighbouring occupiers regarding potential loss of privacy and overlooking have been carefully considered.

 - Plot 1: following revisions, the south-facing bedroom 2 window was omitted as it would overlook the garden of plot 2.
 - Plot 2: the east-facing bedroom 3 window would be looking away from the private part of the garden of plot 9. Plots 14 and 15 of the extant planning permission (UTT/20/1098/FUL) would face towards plots 2 and 3 of the current application site at distances of 49.7m and 47.2m respectively to the western site boundary.
 - Plot 3: there are no upper floor windows that would overlook habitable room windows or gardens of other plots. The same conclusion applies here for plots 14 and 15 of the extant permission to the west of the site as above.
 - Plot 4: the bathroom and ensuite windows at first floor facing east will be conditioned as obscure-glazed and fixed shut. Plot 13 of the extant permission (UTT/20/1098/FUL) would face towards plot 4 at a distance of 35m to the western site boundary. Permitted Development rights for must be withdrawn to safeguard residential amenities by avoiding side facing windows at upper floor level given the position and orientation of the plots.
 - Plot 5: there are no upper floor windows that would overlook habitable room windows or gardens of other plots.
 - Plot 6: there are no side facing windows. The 25m rule of the Essex Design does not apply to back-to-back situations (as in plots 6 and 8/9). However, the bathroom window facing north would face plot 9's rear elevation from 24.2m away and bedroom 2 window from 22.7m away. Given these distances and the orientation of plot 6 looking away from plots 8/9 (at an angle of 20 degrees), no material overlooking is considered.
 - Plot 7: there are no north facing windows at upper floor. The position and orientation of Old Cottage and White Cottage

eliminate overlooking into the private garden of plot 7. The upper floor side facing windows face away from plot 6 or are non-habitable room windows towards the private garden of The Pines and plot 3 of the extant planning permission (UTT/22/1719/FUL). Plot 3 of this extant permission would not have side facing windows that belong to habitable rooms.

- Plot 8: there are no upper floor windows that would overlook habitable room windows or gardens of other plots.
- Plot 9: there are no upper floor windows that would overlook habitable room windows or gardens of other plots.

Therefore, the privacy of any neighbours and/or future occupants of the dwellings would be safeguarded. Extant permissions in the area have been considered.

- 14.5.5** • Potential overshadowing and loss of light:
Due to the scale, design and position of the proposed development, no material overshadowing of, and loss of light to, any private gardens or habitable room windows would occur that would harm the residential amenity of the neighbouring occupiers.
- 14.5.6** • Potential overbearing effects:
Notwithstanding the concerns raised by neighbours, given the gaps in relation to the neighbouring boundaries, no overbearing impacts ('tunnelling effect' or 'sense of enclosure') would occur.
- 14.5.7** Overall, the proposal would accord with policies GEN2, GEN4, GEN5, ENV10, ENV11 of the Local Plan, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking (GEN1, GEN8, parking standards, NPPF)

- 14.6.1** From a highway and transportation perspective, following review of the information and revised drawings, the Highway Authority raised no objections in the interests of highway safety, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 115 and 114(b) of the NPPF. National Highways raised no objections unconditionally.
- 14.6.2** The conditions refer to visibility splays, the dimensions of the access, the reinstatement of the footway, closure of the existing access, provision of parking and turning areas, cycle parking, a residential travel information pack, a construction management plan, and the surface treatment of the access. With an additional consultation response, the Highway Authority clarified that the pre-commencement condition for the construction management plan can be made prior to slab level given that works commenced on site for the 7-unit scheme (even though not all conditions have been discharged for UTT/21/3339/FUL, including the construction management plan).

14.6.3 The required parking spaces as per the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), as well as the parking spaces proposed by the application, are as follows:

	Bedrooms	Required parking	Proposed parking	Test
Plot 1	4-bed	3	3	Yes
Plot 2	3-bed	2	2	Yes
Plot 3	3-bed	2	2	Yes
Plot 4	4-bed	3	3	Yes
Plot 5	3-bed	2	2	Yes
Plot 6	3-bed	2	2	Yes
Plot 7	5-bed	3	3	Yes
Plot 8	2-bed	2	2	Yes
Plot 9	2-bed	2	2	Yes

14.6.4 The total parking would include 21 no. parking spaces and 4 no. visitors' parking spaces (all of appropriate dimensions 5.5 metres by 2.9 metres). Following revisions upon the case officer's request, the visitors' parking spaces on the western side of the site and two of the parking spaces of plot 7 have been moved slightly south to allow for the parking layout of plot 7 to be re-designed to ensure that there is an appropriate turning area (8m x 6m) for the three car spaces for this plot and for the visitors' spaces. Tandem parking would not visually dominate the layout of the development and would preserve the character and appearance of the area over and above the fallback position. The proposed parking arrangements would comply with the Uttlesford Residential Parking Standards (2013), the Essex County Council Parking Standards (2009), and policy GEN8 of the Local Plan.

14.7 E) Ecology (GEN7, ENV8, NPPF)

14.7.1 Place Services Ecology, following receipt of additional ecological information, raised no objections subject to conditions to secure ecological mitigation and enhancement measures. The development would comply with paragraphs 43, 180(d) and 186 of the NPPF, and policies GEN7, ENV8 of the Local Plan. The conditions refer to action in accordance with the appraisal recommendations, a Great Crested Newt method statement, a biodiversity enhancement layout and a wildlife sensitive lighting scheme.

14.8 F) Contamination (ENV14, ENV12, ENV13, NPPF)

14.8.1 Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to potential land contamination.

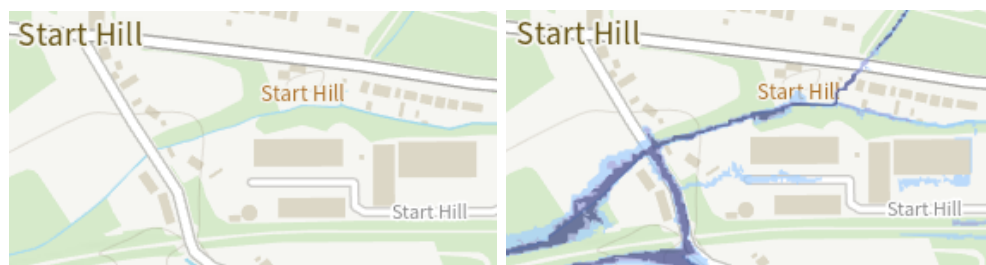
14.9 G) Archaeology (ENV4, NPPF)

14.9.1 Place Services Archaeology, following review of the archaeological fieldwork carried out as part of discharging conditions for the extant 7-unit scheme (UTT/21/3339/FUL, UTT/22/3336/DOC) raised no objections unconditionally in the interests of potential archaeological remains. The development would comply with policy ENV4 of the Local Plan, and the NPPF.

14.10 H) Flood risk and drainage (GEN3, NPPF)

14.10.1 The site falls within Flood Zone 1; footnote 59 in paragraph 173 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) does not apply as the development does not involve a site of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As such, the Essex County Council (as the Lead Local Flood Authority, LLFA) and the Environment Agency have not been consulted for this application.

14.10.2 The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The application is accompanied by a Flood Risk Statement and Drainage Strategy (March 2024); like in the extant permission, the report states that both surface water runoff and foul water effluent (from a package treatment plant) would be discharged into an existing open watercourse to the south of the site. This would require consent from the LLFA and the Environment Agency that would be outside the scope of planning. Third parties have indicated that the extant scheme included a package treatment plant that would also serve Old Cottage and White Cottage and that the drains of those dwellings would need to be connected to the drainage system of the new development. However, the above issues are not material planning considerations. Drainage connections would be overseen by building regulations and with water companies. Notwithstanding the comments indicating otherwise, the proposal would comply with paragraph 173 of the NPPF, and policy GEN3 of the Local Plan.



Flood Maps

14.11 I) Other matters

14.11.1 The Safeguarding Authority for Stansted Airport have no objections subject to conditions to secure flight safety. The conditions refer to measures against light spill, the prevention of birds being attracted to the

site, a glint and glare assessment for any solar panels to be used, and measures to minimise and manage dust and smoke during construction. The National Air Traffic Services (NATS) raised no objections unconditionally.

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 planning balance in paragraph 11 of the NPPF tilts in favour of the principle of the scheme. The benefits include:

- 9 no. units to the 5YHLS – limited weight.
- Economic and social benefits – limited weight.
- Renewable technologies and construction measures – limited weight.
- Sustainability credentials / part reliance on private cars – significant weight.

16.2 The net contribution of 2 no. units (given the extant permission) to the 5YHLS would be a meaningful but rather limited public benefit arising from

the development, as it would make little difference to the overall supply of housing in the district.

- 16.3** The proposal would also provide a modest contribution towards the wider local economy during and post construction, as well as to the social vibrancy of the village. However, given the low number of units proposed, these public benefits would be limited to their extent.
- 16.4** The renewable technologies proposed as part of the development, including green infrastructure and sustainable construction measures, would also attract limited weight given the size of the scheme.
- 16.5** The location of the proposed development would not raise sustainability concerns as everyday services and facilities would be accessible through sustainable public transport. The sustainability credentials of the location are satisfactory, in line with the environmental strand of sustainable development (paragraph 8 of the NPPF); that should be attributed significant weight.
- 16.6** There are no adverse impacts associated with the development given that the proposals are assessed against the impact of the extant planning permission for 7 no. units (UTT/21/3339/FUL).
- 16.7** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

17. CONDITIONS

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

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

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

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

- 3** Prior to any works above slab level, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, and to ensure the development is visually attractive, in accordance with policies S7, S8, GEN2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 4** Prior to any works above slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance details.

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

REASON: To preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S8, S7, GEN2, GEN4, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 5** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes 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, to preserve the character and appearance of the area and to safeguard appropriate levels of amenity spaces, in accordance with the adopted Uttlesford Local Plan Policy S7, S8, GEN2, and the National Planning Policy Framework (2023).

- 6** The bathroom and ensuite windows at first floor level of plot 4 facing east shall be obscure-glazed and fixed shut to all their parts below 1.8 metres from the first-floor level.

REASON: To safeguard the residential amenity (privacy) of occupiers, in accordance with the adopted Uttlesford Local Plan Policy GEN2, and the National Planning Policy Framework (2023).

- 7** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for each dwelling. Thereafter, the charging point shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with the National Planning Policy Framework (2023).

- 8** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

- 9** The development hereby permitted shall be constructed in strict accordance with the construction details provided in Section 7 of the Environmental Noise Assessment submitted (dBC Consultation Ltd, reference 10699, dated 11 July 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.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 10** Prior to any works above slab level, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. Thereafter, the approved CMS shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 11** Prior to first use, details of any external lighting to be installed on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

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

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 13** Prior to construction of any solar energy technology, an Aviation Perspective Glint and Glare Assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport. The assessment shall demonstrate no harmful impact to operations at Stansted Airport. There should be no predictions of Red or Yellow Glare.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 14** Before, during and after the construction period (including demolition and excavation), no dust/smoke clouds nor pools/ponds of water shall occur or be created on, near or above the site and no airborne debris shall be created on or blown from the site from waste materials during or after the construction period, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 15** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Statement (Aitchison Raffety). Thereafter, the enhancement measures and/or works shall be carried out in full accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 16** Prior to any works above slab level of the development hereby approved, 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 Newts during the construction phase. Thereafter, the measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 17** Prior to any works above slab level, a Biodiversity Enhancement Layout for biodiversity enhancements recommended in the Bat Survey report (Essex Mammal Surveys, November 2022) shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Layout shall include:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations for biodiversity enhancements on appropriate drawings.

Thereafter, the enhancement measures shall be implemented in accordance with the approved details prior to occupation of the development hereby approved and shall be retained in that manner thereafter.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

18 Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity in accordance with General Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme 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.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained in accordance with the scheme at all times. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

19 The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable

dwelling) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

- 20** Foul and surface water drainage shall be installed in accordance with the details within the Flood Risk Statement and Drainage Strategy (2304451-R01, March 2024) as described in section 5 and 6 of that strategy. The foul and surface water drainage shall be implemented prior to occupation of the development hereby approved and shall be retained in that manner at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent an increase in flood risk on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).

- 21** Prior to occupation of the development hereby approved, 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 drawing reference number 2304450 – D003 (Proposed Access and Visibility Plan). 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 interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 22** Prior to occupation of the development hereby approved, 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. Thereafter, the access shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council

Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 23** Prior to occupation of the development hereby approved, 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 remedial repairs where deemed necessary by the Highway Authority. Thereafter, the footway shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of accessibility and pedestrian safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 24** Prior to first beneficial use of the new access, the existing access as shown on the proposed site plan (drawing reference number 2023-740-002 Rev B) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway/kerbing.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety and amenity, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 25** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times and shall not be used other than for the benefit of the occupants of the dwellings hereby approved.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 26** Prior to occupation of the development hereby approved, cycle parking shall be provided in accordance with the Essex Planning Officers' Association parking standards. Thereafter, the cycle parking facilities shall be secure, convenient, covered and shall be retained as such at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity, in accordance with the adopted Uttlesford

Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with ULP Policies GEN1, GEN8 and with the Uttlesford Local Residential Parking Standards (2013), the Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 28** Prior to any works above slab level, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The approved CMP 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, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/24/0585/FUL
Our Ref: 51954
Date: 12th April 2024



Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/24/0585/FUL
Applicant Mr Craig and Patrick Huber and O'Sullivan
Site Location Old Cottage Start Hill Stane Street Great Hallingbury Bishops Stortford
Hertfordshire CM22 7TG
Proposal Closure of existing access and formation of new access from the highway.
Demolition of outbuildings and erection of 9 no. dwellings.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

1. Prior to occupation of the development, the 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. 2304450 – D003 (Proposed Access and Visibility Plan). 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.
2. 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.

3. 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.
4. The existing access as shown on the proposed site plan (DWG 2023-740-002 Rev B) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway /kerbing immediately the proposed new access is brought into first beneficial use. **Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety
5. 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.
6. 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.
7. 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.
8. 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.
9. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.

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

Informative:

- i. It is noted that there are changes in levels within the site. The junction gradient shall comply with guidance with Design Manual for Roads and Bridges.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vii. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.



pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou

From: Eirini Spyratou - Strategic Development Officer
Sent: Monday, April 15, 2024 9:47 AM
To: Avgerinos Vlachos
Cc: Eirini Spyratou - Strategic Development Officer
Subject: [External] >> UTT/24/0585/FUL - Note regarding CMP condition

Dear Avgerinos,

Following up on our conversation, it is my understanding that the applicant has started the development works (demolition and drainage) under the previous planning permission UTT/21/3339/FUL **without** having discharged the CMP pre commencement condition relating to this application. As such they are in breach of their planning permission and appropriate action should be taken by UDC.

Nevertheless, this leaves us in a situation where the CMP pre commencement condition for UTT/24/0585/FUL will need to be amended to allow implementation. The Highway Authority is in agreement to change the wording of recommended condition no 8 from 'no development shall take place

Kind regards

Eirini Spyratou | Strategic Development Officer



SAFER / GREENER / HEALTHIER

APPENDIX 2 – NATIONAL HIGHWAYS



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

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

To: Uttlesford District Council
planning@uttlesford.gov.uk FAO, Matt Kolaszewski

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

Uttlesford D. C. Reference: UTT/24/0585/FUL

National Highways Ref: NH/24/05436

Location: Old Cottage Start Hill Stane Street Great Hallingbury Bishops Stortford Hertfordshire CM22 7TG.

Proposal: Closure of existing access and formation of new access from the highway. Demolition of Outbuildings and Erection of 9 dwellings.

Referring to the consultation on a planning application dated 07 March 2024 referenced above, in the vicinity of the M11 and A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

Highways Act 1980 Section 175B is/is not relevant to this application. ¹
This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

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

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

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

Signature: S. H.	Date: 26 March 2024
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

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

This response represents our formal recommendations with regards to the above application UTT/24/0585/FUL and has been prepared by Shamsul Hoque.

Recommended No Objection

National Highways offer no objection.

Reason:

National Highways is responsible for the operation and maintenance of the M11 and the A120, close to the application site. The proposed development's vehicular access to the Site will be from the local road network.

We have completed our review of the details and information provided. Due to the scale and nature of the proposed development, there is unlikely to have any severe impact on the M11 and A120, part of the Strategic Road Network.

National Highways Planning Response (NHPR 22-12) December 2022

Standing advice to the local planning authority

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

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

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

APPENDIX 3 – HISTORIC ENGLAND



Mr Matt Kolaszewski
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582712

Our ref: **W**: P01574009

12 March 2024

Dear Mr Kolaszewski

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

**OLD COTTAGE, START HILL, STANE STREET, GREAT HALLINGBURY, ESSEX
Application No. UTT/24/0585/FUL**

Thank you for your letter of 7 March 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Sally Harper
Business Officer
E-mail: sally.harper@HistoricEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU
Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Agenda Item 8



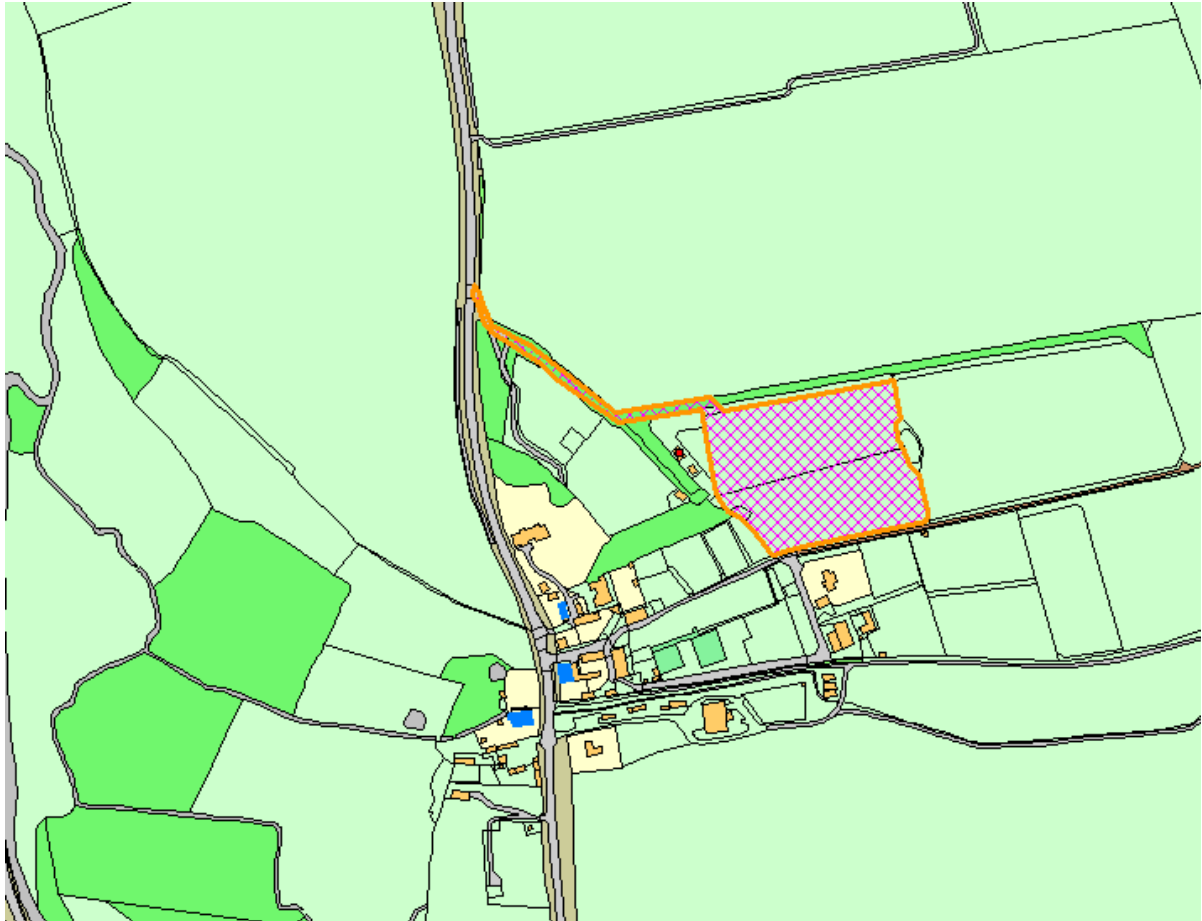
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 1 May 2024

REFERENCE NUMBER: UTT/23/2989/FUL

LOCATION: Springwell Paddock
Walden Road
Little Chesterford
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 9 April 2024

PROPOSAL: Proposed sheep and goat shelters

APPLICANT: Mr Gary Cleary

AGENT: Louise Gregory (Acorus Rural Planning)

EXPIRY DATE: 9 February 2024

EOT EXPIRY DATE:

CASE OFFICER: Mr Paul Hunt

NOTATION: County Wildlife Site (B184 verge)
Special Verge
Groundwater Source Protection Zone 1
Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Councillor Call In

1. EXECUTIVE SUMMARY

1.1 Retrospective permission is sought for the erection of 4 sheep and goat shelters.

1.2 It is considered that the retention of these buildings would not comprise a change of use of the site, only serving the existing lawful use of the land being the grazing of livestock. Notwithstanding that the buildings must be considered on their own merit, these buildings are considered to be of a use, design and proportions that would not harm the character of the land nor neighbour's amenity, whether or not the other unauthorised buildings subject to current enforcement action are still in the site.

1.3 Furthermore, due to their small scale and simple timber design the structures are not considered to cause an intensification of the activities at the site that would increase traffic using the access for either construction or the continued use of the site so would not materially affect the use of the highway, so would not conflict with policy GEN1 with regard to the NPPF.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** planning 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 site is located on a sloping field to the North-West of Springwell Place and Springwell Nursery. The northern part of the field is easily visible from the main road B184 to the South of Springwell Nursery/ Joseph Farm. There is a dense group of trees to the northern boundary and to the West of the site between the field and the rear garden of the neighbouring property at Springwell Place. The vehicular access into the site shares the track with Springwell Place.

3.2 The site currently contains fencing dividing the field into paddocks where at the time of the officers site visit a group of horses including 2no foals within large field shelters, one of which was upside down and out of use at the time of the visit, as well as a small flock of sheep and a herd of bagot goats using 4no goat sheds. Fencing surrounds the site comprising wire fence to the northern and western sides and a significant steel gate and fence to the south-western part of the site around the access, within a dense tree line. Hardstanding and landscaping had been installed around a building subject of refused application UTT/23/2989/FUL and at present due for removal from the site under live enforcement action.

4. PROPOSAL

4.1 The proposal seeks retention of 4 no goat/ sheep shelters at 1.6 metres in height, 3.6 metres in width and 1.2 metres deep, built in feather-edge timber with corrugated metal dual-pitch roof.

4.2 Several larger 'portable field shelters' in the site which are of a scale to house horses, in addition to a stable building, a detached dwelling and ancillary development are subject of separate enforcement action as discussed below.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/18/0264/FUL	Erection of stables	Refused
UTT/23/2988/FUL	Proposed agricultural building	Refused

ENF/22/0017/C		Upheld at appeal
INV/22/0241/C		Upheld at appeal

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 None sought. The application follows an upheld appeal against enforcement notices ENF/22/0017/C and INV/22/0241/C.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Local Highways Authority

No objection, no comments

9. PARISH COUNCIL

9.1 1) Strongly object to unsafe intensification of use of the dangerous access.

2) No evidence of a need for buildings in the countryside, referencing Planning Inspectors report citing the lack of information about the business regarding either financial viability or levels of activity and business plans.

9.2 Believe that there is no more capacity in the fields for additional animals hence no need for additional buildings.

9.3 Therefore, the works are contrary to Neighbourhood Plan policy GLCNP/1 and Uttlesford Local Plan 2005 policies GEN1 and S7.

10. CONSULTEE RESPONSES

10.1 Natural Sciences Officer (Special Roadside Verges monitoring)

10.1.1 Object due to impact from construction and additional movements upon the special roadside verge UTT24B which is also Local Wildlife Site UFD82 ('Little Chesterford Verges')

10.1.2 "The application site is adjacent to a designated Special Roadside Verge Site and Local Wildlife Site. UDC policies ENV7 and ENV8 apply.

10.1.3 **UTT24B1 Little Chesterford Special Roadside Verge and Local Wildlife Site Ufd82** is on the east side of the B184 Walden Road between grid references TL519418-TL520406. A map of the verge site is attached to the email with this response.

10.1.4 The rich flora includes Wild Liquorice which is the foot plant of the rare Liquorice Piercer Moth, and other chalk grassland plants including Agrimony, Bee Orchid, Bird's-foot Trefoil, Hop Trefoil, Bladder Campion, Common Broomrape, Red and White Clovers, Cowslip, Common and

Greater Knapweeds, Germander Speedwell, Goatsbeard, Hedge Bedstraw, Marjoram, Meadowsweet, Common Vetch, Meadow Vetchling, Oxeye Daisy, Ribwort Plantain, Saint John's-wort, Field and Small Scabious, Silverweed, Wood Avens and Yarrow. This habitat is now very rare in the UK. 97% of this grassland had been destroyed in England and Wales by 1984 and losses have continued since that time from development and other causes. The Special Roadside Verges scheme for Essex seeks to safeguard the last verge sites in the county where rare plants still grow.

10.1.5 I Object to these applications. The route the applicants are using to access the highway and paddocks is through a Special Roadside Verge / LoWS (see Biodiversity Checklist / Statement Re Special Verge). The applicants have not prepared an Ecological Impact Assessment which considers the impact of the proposed developments on the SRV/LoWS and gives details of how the impacts will be avoided or mitigated. For instance:

1. Why is a dangerous highway access is being used to access the site. The track is steep, narrow and set at an angle to the busy B184 Walden Road and is on the approach to a corner. An alternative access to Springwell Place is present from the highway at the layby and entrance next to Springwell Nursery site. The Inspector noted in Appeal decision (Appeal Ref: APP/C1570/C/22/3310260) that:

43. I therefore conclude that the development results in an unacceptably increased risk to highway safety in the vicinity of the site, in conflict with Policy GEN1 of the LP. Amongst other things, this states that development will only be permitted if access to the main road network must be capable of carrying the traffic generated by the development safely.

2. Has any additional mowing of the SRV/LoWS around the northern highways access taken place to clear sight lines for vehicles using the gravel track. Unauthorised mowing cuts the plants down whilst they are in flower and prevents them from setting seeds. Mowing should only be carried out by Essex Highways contractors. Each year they carry out two full width cuts of special verges, from the carriage way to the hedge or ditch at the back of the verge. This SRV/LoWS is cut in March and October. One metre wide safety cuts, which may be wider on corners, are also done in May or June.

3. What is the strategy for managing and disposing of waste manure produced by animals on the paddock.

4. There is an opportunity for biodiversity enhancement. When the unauthorised highway access was installed through the SRV/LoWS in 2013 it destroyed part of the chalk grassland site. It has also prevented Essex Highways from cutting the bank behind the gravel access route. The bank is now covered in bramble instead of wildflowers. I suggest

that an area of chalk grassland the equivalent to the area of scrub is created. See photograph below taken from the verge opposite the access in 2018. It shows the growth in scrub on the bank. If the applications are approved, the Special Roadside Verge / LoWS requires protection during the period of construction. I would request that such a condition is applied by the planning officer before any approval of the applications. For example:

10.1.6 No development shall take place until a Construction Environmental Management Plan is provided that includes the requirements that:

1. All construction operatives are to be made aware of the location of the special verge / LoWS.
2. The special verge / LoWS is not to be used for storage of construction materials.
3. Construction vehicles should not drive onto the special verge / LoWS or park on it.
4. If it is not possible to comply with points 2 and 3 barriers or a membrane are to be used to protect the special verge / LoWS.
5. No topsoil or other material is to be added to the special verge / LoWS.
6. No mowing of the special verge / LoWS is to be carried out by operatives or residents.”

10.2 UDC Environmental Health

10.2.1 No objection

10.3 Place Services (Ecology)

10.3.1 No objection: request a condition restricting lighting around the site in order to protect traversing bats.

11. REPRESENTATIONS

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

11.2 Support

11.2.1 None

11.3 Object

11.3.1 Representations were received objecting to the proposals for the following reasons:

- The shelters do not move around the site as noted in the appeal hearing.
- Unsafe access.
- Ecology harm to special wildlife site.

- No need for office (related to a different application).
- Light and noise from generators and floodlights.
- Environmental Health concerns relating to waste disposal
- Complex planning history and history of unauthorised development, including 2022/2023 enforcement cases and appeals.

11.4 Comment

11.4.1 Whilst the special roadside verge is protected and the historic works have caused harm to the natural environment and risk to users of the highway, the Council has established that the access is an historic track and the existing site access is therefore considered to be lawful and beyond further enforcement action following extensive investigation by the planning team.

11.4.2 The matter of whether the access is allowed is completely separate from the current considerations about the proposed structures in the site, and furthermore the only reason that the Council could consider impacts upon the Special Verge and the Highway within this application is if the development would result in a material increase in the use of the access, which is considered below.

11.4.3 Apart from highways, the comments refer extensively to the application for retention of the larger building on site (refused application UTT/23/2988/FUL) and appeal decision APP/C1570/C/22/3310260 for the same large building and larger field shelters for use of horses and storage as well as goats and sheep. These are not the matters under consideration in this application which can only take account of the impact of the two goat shelters.

11.4.4 The assessment by the appeal inspector regarding the appearance character and uses of the site are material, as is the detailed list of structures in the site which the Council enforcement team have previously and separately accepted to be not expedient to pursue removal such as 1no stable building in the south-western corner of the site and retention of solar panels, or not causing material harm with regard to permitted development rights.

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

c) any other material considerations.

12.3 The Development Plan

12.4.1 Uttlesford District Local Plan (adopted 2005)
Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Great Dunmow Neighbourhood Plan (made December 2016)
Thaxted Neighbourhood Plan (made February 2019)
Felsted Neighbourhood Plan (made February 2020)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
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 (December 2023)

13.2 Uttlesford District Plan 2005

13.2.1 S7 – The Countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN4 - Good Neighbourliness Policy
GEN7 - Nature Conservation Policy
ENV5 - Protection of Agricultural Land Policy

13.3 Great and Little Chesterford Neighbourhood Plan 2019-33

13.3.1 GLCNP/1– Overall Spatial Strategy including key strategic landscape and heritage sensitivities
GLCNP/2 – Settlement Pattern and Separation
GLCNP/4a – Landscape Character
GLCNP/4b – Views

13.4 Supplementary Planning Document or Guidance

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, character and context**
- C) Residential Amenity**
- D) Highways**
- E) Natural environment and biodiversity**

14.3 A) Principle of development

14.3.1 There is no planning history to change the lawful use of the site which is considered to be agricultural land. Whilst there is no single guide, common practice and case law confirming that grazing of animals on land does not change its use regardless of whether or not the animals are agricultural as defined by the Town and Country Planning Act s336.

14.3.2 The buildings are not of a size that is considered suitable for keeping of horses or equipment nor for secure storage being lightweight and open and so subject to conditions restricting the use to that applied for it is considered unlikely that the proposed shelters would constitute a material change of use and would have little impact upon the activities in the field and so would in principle would not conflict with relevant policy GLCNP/1 and /2 of the neighbourhood plan and policy S7 of the neighbourhood plan, being a suitable development that requires the countryside location to serve as shelter for the livestock in the field.

14.4 B) Design, character, and context

14.4.1 Given the development would not result in a material change of use of the land, and the buildings are of a scale and purpose that does not appear out of scale or unduly harmful to the rural and open character of the field and the wider area. It is the opinion of the officer that the 2 no. small buildings in site at present do not unduly detract from the appearance of the site or the wider area.

14.4.2 It is noted that fencing and other development has occurred in the site, however, this is not subject of this application having been dealt with by enforcement action as either non-expedient to pursue or requiring removal which is scheduled to occur in the summer in accordance with upheld appeals referred to above. This is taken into account and due to their size, purpose and character the goat/ sheep shelters are not considered to create undue additional harm above and beyond the buildings that are already approved in the site.

14.4.3 For these reasons it is considered that the scheme would comply with the requirements of Uttlesford Local Plan policies S7 and GEN2 as they relate to character and design, and with paragraphs 131, 135, 139 and 180 of the NPPF, and with policy GLCNP/1, /2, 4a and 4b of the neighbourhood plan.

14.5 C) Residential Amenity

14.5.1 It is considered unlikely that the small scale shelters would intensify the lawful activities on site of grazing livestock so would be unlikely to directly lead to new nuisance noise, and due to their scale would not generate harm as a result of being overbearing, overshadowing or allowing overlooking of neighbouring dwellings. The development would be acceptable as it relates to neighbour amenity with regard to paragraph 135 of the NPPF and with policy GEN4 of the Uttlesford Local Plan 2005 with regard to design guidance.

14.6 D) Highways

14.6.1 Whilst the access is inherently dangerous with insufficient visibility in both directions, the facts of the case are: firstly that the access has been established and the Council's enforcement team have establish that we would not pursue enforcement because the access is historic with a farm track and dropped kerb in place long before the applicants took ownership of the land, and; secondly that use of the land for grazing livestock is the lawful use of the land and it is considered by the case officer that the small scale of the sheds shown in the application would not result in any intensification of the lawful use providing basic welfare for the animals in the site. The proposal therefore does not conflict with Uttlesford Local Plan 2005 policy GEN1 nor with requirements of the NPPF regarding highway impacts.

14.7 E) Natural environment and biodiversity

14.7.1 Relative to the use of the land for grazing the temporary and movable shelters would not be considered likely to generate any material changes in lighting, activity levels in the land or at the access nor any habitat in a manner that would risk conflict with the Council's duties under wildlife and habitats legislation, including at the special protected verge with no additional traffic movements predicted for the installation of or the use of the shelters. The application would be acceptable and would comply with the Council's duties under relevant legislation, and with policy GEN7 of the Uttlesford Local Plan 2005 and with policies GLCNP/4a – Landscape Character and GLCNP/4b – Views of the Great and Little Chesterford Neighbourhood Plan.

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 shelters would serve and not intensify the existing lawful use of the site and so would be acceptable in principle and are not considered to generate additional harm to the landscape and rural character due to their small proportions and design. They are not considered to generate additional traffic that would increase risk to users of the highway.
- 16.2** As such no reason is found that the application would conflict with national or local planning policy and the officer recommendation is to permit the application subject to the below listed conditions.

17. CONDITIONS

- 17.1** The application is retrospective and as such no timescale condition is required and no planning obligations or additional details would be needed to allow the development to comply with policy.
- 1** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

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

- 2** The shelters hereby approved shall only be used for purposes associated with the keeping of sheep and/or goats within the site and shall not be used for any other purpose.

REASON: In the interest of proper planning to confirm the detail of what has been applied for and permitted, and to prevent unacceptable harm to the local character and the highway.

Late List –Planning Committee 01/05/2024

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/22/2035/FUL	Please find an additional appendix to the Chief Officers Report, this includes the appeal decision notice for UTT/20/1744/FUL. <u>Appendix 4</u>

		<p>Appeal Ref: APP/C1570/W/21/3282098 Land East of St Edmunds Lane, St Edmunds Lane, Great Dunmow, Essex CM6 3AT</p> <ul style="list-style-type: none"> • The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. • The appeal is made by Mr Rupert Kirby of St Edmunds Lane Management Ltd against the decision of Uttlesford District Council. • The application Ref UTT/20/1744/FUL, dated 3 January 2020, was refused by notice dated 11 June 2021. • The development proposed is 30 no. new self build and custom dwellings. <hr/> <p>Decision</p> <ol style="list-style-type: none"> 1. The appeal is dismissed. <p>Preliminary Matter</p> <ol style="list-style-type: none"> 2. The appellant has submitted a Unilateral Undertaking with the appeal (the UU), signed 13th August 2021. This relates to custom and self build homes, education and bus strategy contributions, and I have taken this into account in determining the appeal. <p>Background and Main Issues</p> <ol style="list-style-type: none"> 3. The land to the south west of the appeal site was granted outline planning permission at appeal in May 2015, for 22 custom and self build homes¹. Full planning permission was subsequently granted by the Council for 22 custom and self build homes on that site in June 2020². This land is currently being developed and is partially occupied. This development is referred to throughout the evidence as Phase 1. 4. During the course of the appeal, the Council has also granted planning permission for 32 custom and self build homes on land to the south of the appeal site³. 5. The main issues in this appeal are: <ol style="list-style-type: none"> i. The effect of the development proposed on the character and appearance of the area; ii. The effect of the development on the setting of the nearby grade II listed building of Tower House;
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		<p>iii. The effect of the proposed development on community infrastructure, including schools, transport and affordable housing.</p>
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		<p><i>Character and Appearance</i></p> <ol style="list-style-type: none"> 6. The appeal site forms the southern end of a wider field of undeveloped agricultural land. The wider site is bound by belts of trees and hedgerows, and the ground levels slope downwards from north to south. As a consequence, the appeal site occupies the lower lying ground. The appeal site includes a strip of land to the north which links the main area of the proposed development to an existing public footpath on higher ground to the north. 7. The site is directly adjacent to Phase 1 of the development to the south west, through which the proposed development would be accessed. It is also adjacent to residential properties on Tower View Drive to the west and Tower House, a grade II listed building. Open countryside extends beyond the appeal site to the east, interspersed by woodland and hedgerows which divide irregular shaped fields. As above, I have noted the recent grant of planning permission for development on an undeveloped agricultural field to the south of the appeal site. 8. The appeal site lies outside the boundaries of Great Dunmow, as defined by the Uttlesford Local Plan 2005 (the ULP). The site is also outside the areas defined as the Town Development Area by the Great Dunmow Neighbourhood Plan 2015- 2032, adopted 2016 (the GDNP). As such, the site is within the countryside for the purposes of these policy documents. 9. Policy S7 of the ULP relates to development in the countryside. It states, among other things, that there will be strict control on new building in the countryside and that planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. It is relevant, however, that the settlement boundaries defined by the ULP were set out in order to respond to growth over the Plan period, up to 2011. The Inspector in the appeal decision for Phase 1⁴ found that the restrictions to development outside the settlement boundaries set out in Policy S7 to be out of date for this reason. The policy is only partially compliant with the Framework and should be given moderate weight. 10. Despite this, Policy S7 also requires development to protect or enhance the character of that particular part of the countryside, and this is consistent with the National Planning Policy Framework (the Framework) paragraph 174 insofar as it requires decisions to recognise the intrinsic character and beauty of the countryside. The objectives of Policy DS1 of the GDNP also relate to protection of the distinct rural identity of the parish, as well as prevention of sprawl into the countryside. 11. The appeal site and the surrounding developments lie outside the development area defined by the GDNP. They also lie outside the Character Area for St Edmunds Lane defined by the GDNP. The GDNP nonetheless identifies the importance of the character of St Edmunds Lane as a landscape edge to the town.
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		<p>12. The proposed development would inevitably entail a reduction in the openness of the appeal site and some encroachment of the settlement into the surrounding countryside. Despite this, the appeal site would form one of a cluster of developments set around both sides of St Edmunds Lane which together form a more gradual transition between the settlement and the countryside. Together with the recently approved development to the south⁵, the appeal scheme would effectively infill and round-off the edge of the settlement. This limits its visual impacts and the development would not represent a significant encroachment into the countryside when viewed combination with those other developments.</p> <p>13. While the exact location of the houses on the plots and the design of the houses, will vary, the proposal includes a detailed design code which would place restrictions on parameters including eaves and ridge heights, as well as building footprints, materials and boundary treatments. Together with the strategy for landscaping on the site, the development would respect the character and appearance of those neighbouring developments and provide a suitable transition to the countryside beyond.</p> <p>14. Visibility of the appeal scheme from St Edmunds Lane would be limited due to its position behind Phase 1 and as the site wraps around the rear of properties on Tower View Drive. The appeal scheme would be visible from the public footpath to the north, and particularly from the proposed extended footpath. However, the extensive areas of landscaping shown, together with the slope of the land and the building heights proposed, would limit views to parts of the first floors of the houses and their roofslopes, as evidenced by the appellant's visual representations. While the introduction of the buildings in those views would be at odds with the open countryside to the east, given the attributes of the development described above and together with the backdrop of the adjoining residential developments, the development would respect the character of the area in which it would lie.</p> <p>15. For the reasons given, the proposal would not cause harm to the character and appearance of the area. While there would be some encroachment of the settlement into the countryside, given the site's location this impact would be limited. Consequently, the proposal would not conflict with the aims of Policy S7 of the ULP or Policy DS1 of the DNP insofar as they relate to protection of the town's rural setting and the character of the countryside. The proposal would comply with the objectives of the Framework relating to the intrinsic character and beauty of the countryside.</p>
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		<p><i>Effect on the Setting of Tower House</i></p> <p>16. Tower House is a Grade II listed building located to the north west of the appeal site. It comprises a brick tower windmill with domed cap, without sails, which is attached to a two storey mill house with grey slate hipped roofs and rendered elevations. Together both component parts are in use as a single residential property.</p> <p>17. Evidence suggests that Tower House has historically been in a rural location and positioned far from any other buildings. This has changed over time as nearby development began to emerge from around 1920 and today the building is positioned close to housing developments to the north and south.</p>
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		<p>Today, the immediate setting of the building comprises its irregular shaped plot containing a landscaped garden with a number of mature trees which provide a degree of screening from the road. The setting is also formed by the open countryside to the east, in particular the adjacent open field of which the appeal site forms a part. A public footpath which extends across the northern side of the field provides important views of Tower House across the field and in those views the listed building can be experienced in a setting of some isolation and tranquillity. In summary, the semi-rural setting contributes to the appreciation of, and therefore the significance of, this heritage asset.</p> <p>18. Through introducing development to this open field, the appeal scheme would impact upon the setting of the listed building. The northern part of the field would remain undeveloped, and this would retain the main open area across which the listed building is viewed from the public footpath.</p> <p>19. The appellant has provided a Visual Representation document which considers the impacts of the development on key views, including those from the public footpath (viewpoints 1 and 2). In those existing views, the residential development immediately to the south of Tower House is visible, and forms part of the backdrop of the listed building. The proposal would introduce development alongside the listed building over part of the existing open field, and would partially obscure the views of the rolling countryside to the south. The impacts of the recently approved scheme⁶ are not included within the Visual Representations document. Should this be constructed, this would also be likely to be visible in long views from the footpath, contributing to the awareness of the settlement behind the listed building.</p> <p>20. Due to the gradient of the land and the distance of the proposed development from the footpath, it would primarily be the roofslopes as well as parts of the first floor levels which would be apparent in those views. The landscaping buffer proposed to the northern side of the development would also provide screening to varying degrees. As a result, whilst the development would alter the sense of the listed building being set in a wider rural landscape, the development would not be dominant in those views nor visually detract or compete with it.</p> <p>21. The development may entail additional external lighting and a degree of light pollution, alongside general movements and noise associated with the use of residential properties. However given the distance of the proposed development from the listed building, proximity of other residential uses, and clear separation by boundary treatments, these impacts on the setting of the listed building would not be harmful.</p> <p>22. Nonetheless, the appeal scheme would have some harmful effects on the important views of the listed building through bringing development closer to the building and reducing the ability to appreciate the contribution the rural setting makes to its significance.</p>
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		<p>24. In line with the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required 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. This is a matter to which I attach considerable importance and weight. I find the extent of harm to the significance of the heritage asset, by reason of the impact to its setting, to be less than substantial. In line with paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposal. I shall return to this matter as part of the overall planning balance below.</p> <p><i>Effect on Community Infrastructure, including Schools and Affordable Housing</i></p> <p>25. The UU intends to make financial contributions to education and to public transport, as well as securing the entirety of the development as custom and self build housing plots.</p> <p>26. Notwithstanding my comments below, I have concerns about the document itself, its execution and thus whether the Council could rely on it to secure the obligations it contains. Most notably the UU refers to a planning permission granted by the Council, which would not be the case here if the appeal were allowed. For this reason, I am not satisfied that the submitted UU would be capable of taking effect and securing the intended obligations. As such I cannot afford weight to the obligations which it contains.</p> <p>27. I have assessed the obligations in light of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework, which includes consideration of their necessity, below.</p> <p>28. Custom and self build housing: The UU would have secured the entirety of the development for custom and self build homes, which would contribute to an uncontested identified need in the District. By comprising entirely self-build plots, the proposed development would have been exempt from making an affordable housing contribution under the provisions of paragraph 65 of the Framework. In the absence of a mechanism to ensure that the proposal conforms to the exceptions given in paragraph 65, and in the absence of any other affordable housing being secured, the development would not accord with the objectives of the Framework insofar as they relate to delivery of affordable housing. The absence of such a contribution to affordable housing therefore weighs against the development.</p>
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		<p>29. Education contributions, for early years, primary and secondary education: Policy GEN6 of the ULP requires development to make provision for infrastructure including, among other things, school capacity and public transport provision that are made necessary by the proposed development. In addition, the GDNP includes an objective relating to provision of educational facilities, with policies that should be applied when such proposals come forward. The proposed mix of houses, which would include family accommodation, would be likely to have an impact on local education facilities. However, while the Council have identified that financial contributions should be made, there is no detailed evidence as to why these contributions are necessary to make the development acceptable or how the sums are fairly and reasonably related in scale and kind to the development. As such, based on the evidence before me, these contributions would not meet the required tests.</p>
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		<p>Planning Balance</p> <p>35. The Council accept that it does not have a 5 year land supply for housing, and the parties agree there is around a 3.52 year supply. As such, the provisions of paragraph 11 of the Framework are relevant to the appeal.</p> <p>36. In terms of the balancing exercise required under paragraph 202 of the Framework, the proposal would introduce a new footpath linking the proposed houses to the network of public footpaths to the north. By doing so, new public views of the listed building would be created. This would increase opportunities for the public to appreciate and experience the heritage asset across the open field, which is an important part of its setting and significance. This would be a significant public benefit. In addition, the proposed development would provide new housing which would contribute to the supply of housing in the District and</p>
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		<p>include children’s playspace. For these reasons together, the public benefits which would be delivered as part of the development would outweigh the harm identified to the significance of the heritage asset.</p> <p>37. As those benefits have been found to outweigh the harm, the heritage policies in the Framework do not provide a clear reason for refusing the development proposed. Consequently paragraph 11d)ii. is engaged and 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 Framework taken as a whole.</p> <p>38. I have considered whether paragraph 14 of the Framework applies as the site is not allocated for housing in the GDNP. However, certain criteria contained in paragraph 14 do not apply, particularly as the GDNP became part of the development more than two years ago. As such this is not engaged in the determination of this appeal.</p> <p>39. The proposal would deliver 30 new homes which would make a notable contribution to the District’s housing stock, as well as making a positive contribution to the national objective to boost the supply of homes. This weighs in favour of the development, particularly given the significant shortfall in the housing land supply. In addition, the site is one which paragraph 69 of the Framework acknowledges can make an important contribution to meeting the housing requirement of an area, and can often be built out quickly. The development would bring economic benefits in terms of construction jobs and ongoing local expenditure by new residents. Taken together, and in light of the scale of the proposal, these attributes attract moderate weight.</p> <p>40. The proposal would link the homes to the public footpath to the north which in turn links into the wider network of public footpaths. As above, this would allow greater appreciation of Tower House and its setting. Improved linkages to the countryside also align with the objectives of paragraph 120 of the Framework insofar as it seeks to improve public access to the countryside. To this benefit I ascribe moderate weight.</p> <p>41. Set against these benefits, my conclusions in relation to the UU means that the appeal scheme would not be exempt from affordable housing requirements. The proposal would cause harm through a failure to provide a policy compliant affordable housing contribution. This would undermine the national objective to address the need for different types of housing and the ULP Policy H9 requirement for affordable housing. The effects of this lack of provision would be significant and long lasting, and would be in direct conflict with the Framework. As such I ascribe this harm substantial weight.</p>
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		<p>42. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.</p> <p>Conclusion</p> <p>43. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.</p>
7	UTT/24/0585/FUL	<p>On 17 April, a neighbouring party wrote: Please can you do something about the parking on the pavements here? As you can see from attachment there are cars and commercial vehicles on footpaths on both sides of the road. They are blocking line of sight when residents want to leave their property. I tried walking to the Esso station from here at white cottage this morning but abandoned as it would mean walking in the road where the traffic is travelling at dangerous speeds.</p>
		<p>The following comments have been provided by the parish council:</p> <ul style="list-style-type: none"> • Object: <ul style="list-style-type: none"> ○ House are being demolished and the land being slowly disappearing. ○ Affinity Water will not take responsibility. ○ Thames Water are consulted but they are not responsible for water supply. ○ Thames Water are responsible for mains drainage. ○ Growing population. ○ Not opposed to new developments per se. ○ Traffic increase.
		<p>The following comments have been provided by neighbours:</p> <ul style="list-style-type: none"> • Object: <ul style="list-style-type: none"> ○ The owners of Old Cottage had previously secured permission for 7 no. dwellings on the current application site. They subsequently sold the site but not Old Cottage. ○ The extant permission for 7 no. dwellings allowed a new package treatment plant to be placed at the location of the cesspit that serves Old Cottage and White Cottage. Existing drains would then connect to the new system. ○ Parking for Old Cottage no longer included in the application site as the extant permission.

		<ul style="list-style-type: none"> ○ Tandem parking and parking spaces of inappropriate size. ○ Insufficient parking for Old Cottage. ○ If 9 no. houses are built, White Cottage and Old Cottage will be overlooking nothing but houses and parked cars from the rear windows. ○ Development focused on profit. ○ Disregard for the amenity of residents. ○ Overspill parking on the main road would be illegal and dangerous. ○ Development pressures in the area. ○ Urbanisation effects in the area. ○ Increased demand on local utilities (water, gas, electricity) / intermittent loss of supply, pressure and quality. ○ Over-development of the area. ○ Pedestrian safety at risk. ○ Complete change of the previously rural local character of the area. ○ Compromise of existing services in the area. ○ Speed cameras necessary.
8	UTT/23/2989/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.