

**UTT/18/2899/FUL**

(Call in request by Cllr John Davey if application is recommended for approval.  
Reason: The proposed development is outside the Great Dunmow Neighbourhood Plan boundary)

**PROPOSAL:**       **Erection of 4 no. new dwellings with parking and access road.**

**LOCATION:**       **Adare, Parsonage Downs, Great Dunmow.**

**APPLICANT:**     **Mr Richard Lockwood.**

**AGENT:**         **Mr Christopher Henham.**

**EXPIRY DATE:**   **14 December 2018 (extension of time agreed).**

**CASE OFFICER:**  **Clive Theobald.**

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**1.       NOTATION**

1.1       Outside Development Limits / Adjacent Conservation Area / Affecting setting of adjacent Listed Building.

**2.       DESCRIPTION OF SITE**

2.1       The site is located on the east side of Beaumont Hill (B184) opposite Parsonage Downs and contains a large C20 built dwelling set within substantial enclosed grounds comprising 0.44 ha which is served by a private access drive which crosses a strip of frontage highway greensward and pavement running behind. A patron car park within the curtilage of the former Cricketers PH which has now closed down exists to the immediate south of the vehicular access, whilst a row of frontage dwellings line Beaumont Hill below the car park. Beaumont Cottage within this row of frontage dwellings is Grade II listed.

**3.       PROPOSAL**

3.1       This full application proposal relates to the erection of 4 no. dwellings with associated on-plot parking and improved vehicular access from the B184 (Beaumont Hill) and represents in effect a re-submission proposal without change to refused application UTT/17/1967/FUL for the same development for the same site.

3.2       The proposed dwellings as shown would comprise 3 no. detached 1½ and 2 storey dwelling units (Plots 1, 2 and 3) and a detached bungalow unit (Plot 4) to be built in a mix of traditional building styles, whilst the existing dwelling on the site (Adare) would remain. Plots 1 and 2 (handed) would be 3 bedroomed, Plot 3 (larger unit) would be 4 bedroomed and Plot 4 would be 3 bedroomed. Parking for the new dwellings would be in the form of both on-plot garaging (Plot 4) and on-plot hardstandings (Plots 1, 2 and 3) , whilst the existing parking for Adare would be re-assigned. The existing access drive across the frontage greensward would be widened to a maximum of 5m with new bell-mouth junction onto the B184. The development proposal would have a site density of 9 dwellings per ha.

3.3       It is stated in the application that the proposed development would be aimed at the self-build and custom build housing market.

**4.       ENVIRONMENTAL IMPACT ASSESSMENT**

4.1       The proposed development does not fall within the scope of the Environmental Impact Regulations for assessment given the size of the proposed development.

## **5. APPLICANT'S CASE**

5.1 The application is accompanied by a supporting planning statement (HJL Planning, October 2018) which describes the site and its surroundings, the proposal, relevant planning history to the site, including reference to refused application UTT/17/1967/FUL for the same housing development as now applied for, national and local plan policy considerations, a response to the Council's single reason for refusal for application UTT/17/1967/FUL with reference to the current status of the Great Dunmow Neighbourhood Plan (GDNP), the officer's delegated report, custom and self-build housing, sustainable development and also other matters, including responses to third party representations received against application UTT/17/1967/FUL and relevant appeal decisions.

5.2 The statement concludes as follows:

9.1 The site is in a highly sustainable location on the outskirts of the market town of Great Dunmow. The principle of developing sustainable sites close to the settlement boundary has been accepted elsewhere in the vicinity.

9.2 The proposal would contribute to meeting the demand for self-build plots in the District, and this small scale scheme would be highly deliverable in a much-sought after location. The provision of plots for self-build is a material consideration of significant weight.

9.3 The Development Plan (the adopted Local Plan and the Great Dunmow Neighbourhood Plan) is silent on the need to make provision for custom/self-build housing. Paragraph 11 of the NPPF confirms that, for decision-taking, the presumption in favour of sustainable development means "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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is clear from the above assessment that no such harm would arise, and certainly no significant harm that would outweigh the benefits of providing much-needed housing.

9.4 In addition, the introduction to this statement sets out the issue of housing land supply, and confirms that paragraph 11 of the NPPF would be engaged on another level (having regard to the transitional arrangements in respect of made Neighbourhood Plans). However, regardless of the land supply position, the silence of the Development Plan on the matter of self-build housing is an overriding factor that would justify the re-consideration of this proposal when any technical policy conflict is balanced against the merits (accepted by the Council) of the proposal.

9.5 Having regard to national and local planning policy, and all other material considerations, a grant of planning permission is anticipated.

## **6. RELEVANT SITE HISTORY**

6.1 Planning permission was refused by the Council on 11 January 2018 for the erection of 4 no. dwellings for custom/self-build together with parking and access road at Adare, Parsonage Downs (UTT/17/1967/FUL refers):

6.2 The application was refused for the following single reason (*full reason recital for Members clarification and understanding*):

1 "The Uttlesford Local Plan, which was adopted on 20 January 2005, identifies the site as being outside any settlement limits; that is, within the open countryside. Accordingly, ULP Policy S7 nominally applies to the proposal. The Local Plan recognises the intrinsic value of the countryside by limiting development that either

needs to take place there or would be appropriate for the area. The Local Plan cannot solely be used in the determination of the application for the following reasons:

- following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework (NPPF) in March 2012, which obliged planning authorities to take a more flexible approach to sustainable development; and
- there are additional considerations when a LPA cannot demonstrate a five year supply of deliverable housing sites; and
- the site is within the Great Dunmow Neighbourhood Plan, which was made in 2016, and now forms part of the development plan.

The proposal must be determined in accordance with the current development plan, which includes made Neighbourhood Plans, unless there are material considerations that indicate otherwise.

In July 2012, the LPA asked an independent consultant to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that ULP Policy S7 took an unduly restrictive approach to sustainable development in the countryside, and so was only partially consistent with the NPPF.

Paragraphs 47-49 of the NPPF require the Council to identify enough sites to provide at least five years' supply of land suitable for housing. In particular, paragraph 49 states, 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. In such cases, the principle of development would be determined by the 'tilted balance' of sustainable criteria set out in paragraph 14 of the NPPF.

In areas covered by Neighbourhood Plans, however, a different housing supply threshold should be used which is based on comments made in a written ministerial statement by Gavin Barwell, the Housing and Planning Minister, on 12 December 2016. The LPA's policies for the supply of housing in areas with an adopted neighbourhood plan would not be out-of-date (as defined in NPPF paragraph 49) providing all three of the following conditions apply:

- The written ministerial statement is less than two years' old, or the Neighbourhood Plan has been part of the development plan for two years or less; and
- The Neighbourhood Plan allocates sites for housing; and
- The local planning authority can demonstrate a three-year supply of deliverable housing sites.

The LPA understands that the Minister's statement is subject to judicial review, but the High Court has yet to make a final decision. Consequently, for the moment at least, the relevant threshold remains three years' supply of deliverable housing land. The LPA's latest housing trajectory (in August 2017) calculated that the LPA could provide around four years' worth of deliverable housing land. Therefore there is no need to refer to the NPPF's paragraph 14 criteria in this instance and the policies of the Neighbourhood Plans for the allocation of sites will be the determining factor.

The Neighbourhood Plan's Policy DS1:TDA identifies the site as outside the town's development limits and so unsuitable for housing. Four new residential dwellings on the site as proposed would be contrary to policy". (*End of refusal reason*)

6.3 An appeal has subsequently been lodged against the Council's decision to refuse application UTT/17/1967/FUL with a request by the applicant that the appeal be

considered and determined by way of a local hearing to test the voracity of the Council's reason for refusal when balanced against the planning merits of the application, including the provision of custom/self-build housing. However, no advancement has been made on that appeal by the applicant which is pending in part on the outcome of the Council's decision for current application re-submission UTT/18/2899/FUL and in light of the current status of the Great Dunmow Neighbourhood Plan (GDNP) when assessed against the requirements of the NPPF (see internal consultation response from UDC Planning Policy with regard to the GDNP).

- 6.4 Planning permission was granted on 8 May 2018 for alterations and improvements to the existing vehicular access at Adare, Parsonage Downs (UTT/18/0169/HHF which involve the provision of an access bell-mouth onto the existing road carriageway (Beaumont Hill) to improve the turning radii with the track entrance to Adare. ECC Highways raised no highway objections to the proposed engineering works (unimplemented permission to date).

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

ULP Policy S7 – The Countryside  
ULP Policy H1 – Housing development  
ULP Policy H4 – Backland development  
ULP Policy H10 – Housing Mix  
ULP Policy ENV2 – Development affecting Listed Buildings  
ULP Policy ENV3 – Trees and Open Spaces  
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN3 – Flood Protection  
ULP Policy GEN7 – Natural Conservation  
ULP Policy GEN8 – Vehicle Parking Standards

### **Emerging Local Plan**

Policy SP1 – Presumption in Favour of Sustainable Development  
Policy SP2 – The Spatial Strategy 2011-2033  
Policy SP3 – The Scale and Distribution of Housing Development  
Policy SP12 – Sustainable Development Principles  
Policy P10 – Protection of the Countryside  
Policy C1 – Protection of Landscape Character  
Policy H2 – Housing Mix  
Policy H8 – Self-Build and Custom Units  
Policy INF1 – Infrastructure Delivery  
Policy TA1 – Accessible Development  
Policy TA2 – Provision of Electric Charging Points  
Policy TA3 – Vehicle Parking Standards  
Policy D1 – High Quality Design  
Policy D2 – Car parking Design  
Policy D3 – Small Scale Development/Householder Extensions  
Policy D7 – Innovation and Variety  
Policy D8 – Sustainable Design and Construction  
Policy D9 – Minimising Carbon Dioxide Emissions  
Policy EN1 – Protecting the Historic Environment  
Policy EN3 – Protecting the Significance of Conservation Areas  
Policy EN4 – Development affecting Listed Buildings  
Policy EN5 1 – Scheduled Monuments and Sites of Archaeological Importance  
Policy EN7 – Protecting and Enhancing the Natural Environment  
Policy EN10 – Minimising Flood Risk

Policy EN11 – Surface Water Flooding  
Policy EN12 – Protection of Water Resources  
Policy EN6 – Contaminated Land

### **Supplementary Planning Documents/Guidance**

SPD – “Accessible Homes and Playspace”

### **National Policies**

National Planning Policy Framework (NPPF) (revised July 2018)

### **Other Material Considerations**

Great Dunmow Neighbourhood Plan (GDNP) (“made” 8 December 2016):

Policy DS1: TDA: Town development Area  
Policy LSC3: The Chelmer Valley

Essex Design Guide  
ECC Parking Standards - “Design and Good Practice” (Sept 2009)  
UDC Parking Standards - (Feb 2013)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Great Dunmow Town Council strongly objects to this application on the same grounds as application UTT/17/1967/FUL which was refused permission with an appeal now lodged with the Planning Inspectorate.

The site is located outside the Town Development Area as defined in the Great Dunmow Neighbourhood Plan contrary to Policy DS1: TDA. Its location in the Chelmer Valley would compromise the amenity value of that area contrary to Neighbourhood Plan Policy LSC3 and adopted UDC Local Plan Policy H7. Its location is therefore in the countryside and there are no special reasons why the development needs to be there contrary to UDC Local Plan Policy S7.

## **9. CONSULTATIONS**

### **MAG London Stansted Airport**

- 9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict with aerodrome Safeguarding criteria. It has no aerodrome safeguarding objections to the proposal.

### **ECC Highways**

- 9.2 The proposed vehicular access for this site the subject of the current application has previously been granted permission under application UTT/18/0169/HHF. There is a long-standing issue over land at the point of access and a Stopping Up Order was made by the DfT to stop up the highway. It is understood that this order has been revoked and that there is currently a draft order pending, but at the time of this response no action has been taken on it.

- 9.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to recommended highway conditions.

### **ECC Place Services - Archaeology**

- 9.4 The HER has identified the application as having archaeological implications. The following recommendation is in line with the new National Planning Policy

Framework.

RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation:

"No development shall commence until the applicant has secured and undertaken a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."

### **UDC Legal Services**

- 9.5 Thank you for your email. We met regarding this issue on, I believe 10<sup>th</sup> December, and I advised that paragraph 14 of the NPPF applies. Were the only debatable element to be the age of the GDNP then I would have suggested that it could still be given reasonable weight, but given that the other limbs of the test are similarly questionable then the GDNP can be given much less weight. I hope this is of assistance.

### **UDC Planning Policy**

- 9.6 This email is to provide further advice in relation to paragraph 14 of the NPPF following the internal legal advice given last December noted in your email. The advice in my previous email in relation to paragraph 11 of the NPPF still stands.
- 9.7 As per my previous email, paragraph 14, criterion a) is not engaged as the decision [planning application] is to be taken more than two years after the Neighbourhood Plan was made.
- 9.8 Turning to criterion b), the Neighbourhood Plan does not have a specific identified housing requirement, and it is noted that the Neighbourhood Plan for Great Dunmow was made in December 2016, prior to the introduction of the requirement for strategic policy-making authorities to set out a housing requirement for designated neighbourhood areas.
- 9.9 There not being a specific identified housing requirement, paragraph 66 of the NPPF 2018 states:
- "Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority".*
- 9.10 Taking into account the factors indicated in this paragraph, it is appropriate to take the figure indicated in the Regulation 19 Local Plan for Great Dunmow as an indicative requirement for the Neighbourhood Plan area. The Regulation 19 Local Plan indicates a housing supply of 3,298 dwellings in Great Dunmow from 2011 to 2033 on sites of 6 or more dwellings (see table 5 page 32).
- 9.11 There are a number of complications when considering whether the Neighbourhood Plan contains policies and allocations to meet this indicative housing requirement. The Neighbourhood Plan looks at a different timescale (2015-2032). It includes a housing supply of 2,900 units (see paragraphs 9 and 10 on pages 8 and 9), was made in 2016 and much of the work on developing the plan was, necessarily, undertaken prior to this.
- 9.12 The Regulation 19 Uttlesford Local Plan was published in June 2018, and there are a number of differences in detail between the Local Plan and the Neighbourhood

Plan. On balance however, it is considered that the Neighbourhood Plan does contain policies and allocations to meet its identified housing requirement, as at the point in time the Neighbourhood Plan was made it sought to provide a Town Development Area that met the identified needs at that time.

9.13 Hence it is considered that criterion b) of paragraph 14 of the NPPF is engaged.

9.14 The Council's five year housing supply situation (5YHLS) is set out in the statement published October 2018. This indicates a 5YHLS of 3.46 years if the draft allocations from the Regulation 19 Local Plan are excluded (see paragraph 17 of this statement).

9.15 Hence criterion c) is engaged.

9.16 Turning to criterion d); the NPPF at paragraph 215 states that:

*"The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018".*

9.17 These test results were not published in November. However, a Housing Delivery Test (HDT) rulebook was published in July of 2018. This states that the HDT% = total net homes delivered over three year period / total number of homes required over three year period. Turning back to the Uttlesford 5YHLS statement published in October, this indicates that in the last three years (2015/16-2017/18), 2,242 homes were built (see table 2). The annual requirement is 632.8 homes per year (see Appendix 1), hence the appropriate calculation for the HDT% is:

$$2,242 / (3 \times 632.8)$$

Giving a HDT% of 118%.

118 is greater than 25, hence criterion d) is engaged (see paragraph NPPF 216.b).

9.18 My previous advice was given on the basis that if one of the criteria of paragraph 14 was failed to be engaged, then the whole paragraph would not be engaged when considering a decision on a planning application. However, the internal legal advice differs from this, and as criterion a) is the only criteria of paragraph 14 that is not engaged, it flows from this advice that the Neighbourhood Plan could still be given some weight.

9.19 If all the criteria apply, paragraph 14 allows the decision maker to assume that this balance is weighted in favour of assuming the adverse impacts of conflict with the Neighbourhood Plan outweigh the benefits of the application. If one of the criteria is not fulfilled, it must follow that the likelihood of the balance being weighted this way must reduce.

9.20 Therefore, in seeking to determine this application, modest weight can be attached to the policies in the Neighbourhood Plan, but it cannot be assumed that the adverse impacts of allowing the development are significantly and demonstrably likely to outweigh the benefits thereof.

### **UDC Environmental Health**

9.21 Recommendation

No objection subject to the imposition of conditions in relation to land contamination.

Comments:

This application seeks permission for the erection of 4 new dwellings. A similar

proposal was previously refused, although it doesn't appear that Environmental Health made any comments. The Council records indicate that this site may be contaminated due to commercial activity to the north of the site. I therefore recommend that the following conditions are placed on any permission should you be minded to grant approval.

"No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

REASON: To protect human health and the environment.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment.

## **10. REPRESENTATIONS**

10.1 Neighbour notification period expires 16 November 2018. 6 representations received (Object). Neighbour notification period expires 16 November 2018. Advertisement expires 29 November 2018. Site notice expires 30 November 2018.

10.2 Summary of representations received as follows:

- Site is outside the GDNP Town Development Area and the proposal is therefore contrary to GDNP Policy DS1:TDA.
- There would also be an impact on the Chelmer Valley.
- Site is outside defined development limits under the Council's adopted local plan and is therefore contrary to ULP Policy S7.
- Submitted drawings are too vague.
- 4 no. dwellings is a very small contribution to UDC's housing supply..
- Council is being asked to approve a housing scheme which is not defined given that this is for a custom build housing scheme where the applicant states that future applications are likely in the future to cater for individual requirements for the design of the dwellings.
- The development would result in residential amenity loss to properties in Beaumont Hill by reason of overlooking/loss of privacy
- Would be alterations in ground levels which would result in application site being higher than the backs of Beaumont Hill.
- Ecology impact.

## **11. APPRAISAL**

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

- A Principle of development (NPPF, ULP Policies S7, H1, H4, GEN3 and Great Dunmow Neighbourhood Plan).
- B Whether access arrangements would be satisfactory (ULP Policy GEN1).

- C Housing Mix (ULP Policy H10);
- D Impact of development on adjacent conservation area and upon setting of adjacent heritage asset (ULP Policies ENV1 and ENV2).
- E Design (ULP Policy GEN2, SPD “Accessible Homes and Playspace” and Essex Design Guide).
- F Whether parking arrangements would be satisfactory (ULP Policy GEN8, ECC Parking Standards, UDC Parking Standards).
- G Impact on residential amenity (ULP Policy GEN2).
- H Trees (ULP Policy ENV3).
- I Impact on protected / priority species (ULP Policy GEN7).

**A Principle of development (NPPF, ULP Policies S7, H1, H4, H10, GEN3 and Great Dunmow Neighbourhood Plan).**

- 11.1 As mentioned previously in this report, planning permission was refused by the Council on 11 January 2018 for the same residential development at Adare as now re-applied for without change (i.e. 4 no. custom/self-build dwellings with associated parking and improved access road) with the sole reason for refusal for application UTT/17/1967/FUL being that the Great Dunmow Neighbourhood Plan (GDNP) was made prior to receipt of that application and was a material consideration as to its planning merits as reflected in the wording of the refusal reason, namely that the application proposal was contrary to GDNP Policy DS1:TDA as the development site falls outside the Town Development Area boundary identified in the plan.
- 11.2 In essence, this reason for refusal turned on two factors, namely that development of the site would be contrary to the GDNP and that paragraphs 49 and 14 of the NPPF were not therefore engaged because the Council is able to demonstrate a 3 years’ supply of deliverable housing land. However, since the application was determined, a revised NPPF has been published (24 July 2018). This incorporates the former Ministerial Statement in respect of housing land supply when a Neighbourhood Plan is in place and is set out at paragraph 14 of the NPPF. In this case, the GDNP was formally made by the Council on 8 December 2016, but the transitional arrangements set out in the NPPF would enable it to remain relevant in terms of paragraph 14 up to and including 11 December 2018. Therefore, the GDNP is now over two years old.
- 11.3 Paragraph 11 of the revised NPPF states that plans and decisions should apply a presumption in favour of sustainable development, adding that for decision making this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.4 It should be noted that footnote 7 to paragraph 11 d) states for situations where there are no relevant development plan policies or those policies which are most important for determining the application are out of date that this includes for applications involving the provision of housing situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years (with transitional

arrangements for the Housing Delivery Test being set out in Annex 1).

- 11.5 Having regard to footnote 7, the Council's adopted plan policies which are most important for determining the application are out of date (i.e. housing policies), whilst ULP Policy S7 has been found to be only partly consistent with the NPPF through independent plan policy compatibility review and therefore no longer carries full weight if it can be shown that a presumption in favour of sustainable development otherwise prevails. However, more fundamentally for the interpretation of paragraph 11 of the NPPF, the Council cannot currently demonstrate a 5-year supply of housing land.
- 11.6 Given the lack of a 5-year housing land supply, paragraph 11 of the NPPF indicates that 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". It should be noted specifically in this respect that the delegated officer report for the previously refused application for 4 no. dwellings at Adare under ref; UTT/17/1967/FUL identified no demonstrable harm other than a conflict with the GDNP) It should be further noted that once the GDNP is over two years old/8 December 2018 has passed, which indeed is now the case, the benefit for the Council of having a three year supply of deliverable housing sites as set out in paragraph 14 of the NPPF no longer applies.
- 11.7 As it was the case that your officers found 4 no. dwellings with associated parking and upgraded vehicular access at Adare under previous ref; UTT/17/1967/FUL to be acceptable in all land use planning terms, including its impact upon the countryside at this edge of town backland location (ULP Policy S7), indicated access arrangements (ULP Policy GEN1) and its impact upon adjacent heritage assets and adjacent residential amenity (ULP Policies ENV2 and GEN2), the material change in circumstances concerning the age of the GDNP as a made plan now more than two years old with regard to its soundness with paragraph 14 of the revised NPPF and the Council's lack of a 5-year supply of housing land now requires the Council to consider reaching a different conclusion on the proposal as now re-submitted for the current application and if a grant of planning permission is now justified in the light of these changed circumstances where the revised NPPF with its renewed emphasis on requiring LPA's to identify appropriate sites within sustainable locations for small to medium housing proposals which can be delivered quickly, including providing self and custom build housing as part of the overall housing mix (as now proposed) and in doing so making more effective and efficient use of land is a material consideration in terms of the overall planning merits of the current proposal.
- 11.8 It is the applicant's central case for the current application re-submission for Adare that as the GDNP will have become over two years old before the Council's anticipated determination of the application (i.e., the 8 December 2018 date will have passed) that criterion b), c) and d) of paragraph 14 of the NPPF cannot be satisfied and therefore do not apply in view of these transitional arrangements and that there is because of this a tilted balance towards the presumption in favour of sustainable development under paragraph 11 of the NPPF where the significant and demonstrable benefits of approving the proposed development outweigh the adverse effects of not doing so and as such paragraph 11 of the NPPF is engaged. It is contended from this that the GDNP no longer carries any material weight in the planning decision making process.
- 11.9 It will be seen from the internal advice received from the Council's Litigation and Planning Solicitor and also the Council's Planning Policy Team Leader that the applicant's contention that the GDNP no longer carries any material weight in the decision taking process because of the foregoing stated reasons is not fully supported. In this respect, it is internal legal opinion that were it the case that the only debatable element of paragraph 14 of the NPPF to be the age of the GDNP, then the "made" plan can still be given reasonable weight, but given that the other limbs of the test (or criterion) set out in paragraph 14 relating to Neighbourhood Plan

housing policies and allocations, deliverable housing sites when set against a three year housing supply (against a five year housing supply requirement, including appropriate buffer) and the Council's housing delivery rate where this is required to be at least 45% of that required over the previous three years are similarly questionable then the GDNP can be given much less weight.

- 11.10 In response, the Council's Planning Policy Team Leader has subsequently advised that he confirms that criterion a) of paragraph 14 of the NPPF is not engaged as the determination on the current planning application for Adare will be taken more than two years after the Neighbourhood Plan was made. Turning to criterion b), it is considered for the reasons given that on balance it is considered that the Neighbourhood Plan does contain policies and allocations to meet its identified housing requirement, as at the point in time the Neighbourhood Plan was made it sought to provide a Town Development Area that met the identified needs at that time and hence it is considered that criterion b) of paragraph 14 of the NPPF is engaged. Turning to criterion c), the Council's five year housing supply situation (5YHLS) is set out in the Council's statement published in October 2018 which indicates a 5YHLS of 3.46 years if the draft allocations from the Regulation 19 Local Plan are excluded hence criterion c) of paragraph 14 of the NPPF is engaged. Turning to criterion d), it has been calculated using the Housing Delivery Test (HDT) rulebook that the annual housing requirement is 632.8 homes per year meaning that the Council would have a HDT of 118% which would be greater than 25. Hence criterion d) of paragraph 14 of the NPPF is also engaged.
- 11.11 It is concluded from the above analysis that as criterion a) is the only criterion of paragraph 14 of the NPPF that is not engaged that it must follow that the balance weighted in favour of assuming the adverse impacts of conflict with the GDNP for the application proposal outweigh the benefits of the application must reduce. Thus, in seeking to determine the current application, it is the view of your Officers that only modest weight can be attached to the policies adopted in the GDNP as previously cited for the single reason for refusal for application UTT/17/1967/FUL, but it cannot be assumed that the adverse impacts of allowing the development are significantly and demonstrably likely to outweigh the benefits thereof as will now be explained.
- 11.12 The site is located on the northern edge of Great Dunmow settlement opposite Parsonage Downs behind a built up frontage to the immediate south of a bus garage depot whereby it forms part of a ribbon of housing that lines the B184, which is the main approach road into the town from the north. The site is conveniently positioned directly opposite the Helena Romans secondary school, which also doubles as a leisure centre, and is also within reasonable reach of the town's local services. As such, it is considered that the site by reason of its location is situated within a sustainable position whereby it should be noted that a small residential development at land to the rear of Herbs of Grace further down Beaumont Hill to the north of the site was approved by the Council in 2014 when that small housing scheme was considered by the Council to represent a presumption in favour of sustainable development (permission implemented).
- 11.13 Accordingly, it is considered that the social strand of the NPPF would be met as previously identified for application UTT/17/1967/FUL, notwithstanding that the site lies outside development limits within the Council's adopted local plan whereupon ULP Policy S7 applies and also outside the Town Development Area as identified within the GDNP which seeks to direct future housing growth in line with allocations set out in the plan, to protect the rural setting of Great Dunmow and to contain the spread of the town by promoting infill within the existing built-up areas.
- 11.14 The site has an enclosed setting at the top end of Beaumont Hill behind a row of frontage properties whereby the dwelling at Adare is set back behind a deep front garden, albeit that the site backs onto open countryside forming the Chelmer Valley to the immediate east below. However, given the dense planting which exists to the

rear boundary of the site, the proposed residential development would not intrude into open countryside beyond, but would be contained instead within the established 'building line' of the existing houses fronting Beaumont Hill and the buildings at Parsonage Farm to the north. As such, the development would have limited visual impact on the wider landscape, including the Chelmer Valley (GDNP - Policy LSC3: The Chelmer Valley). Therefore, the environmental strand of the NPPF would be met, notwithstanding that a nominal and *de facto* objection exists under ULP Policy S7 given that the site lies outside development limits within the countryside, although it can be argued that the development needs to take place at the site to make more efficient use of previously developed land as a windfall site within a sustainable location on the edge of the town as previously reasoned.

- 11.15 The Self-build and Custom House building Act 2015 sought to build upon existing Government initiatives, particularly the 'Right to Build', with the aim of increasing the number of self/custom built properties in England. As a result of the Act, there is a statutory obligation upon the Council firstly to keep a register in relation to Self-Build and use the demand data from the register in the area (supported as necessary by additional data from secondary sources) when preparing its Strategic Housing Market Assessment (SMAA), and secondly to promote and support Self-Build. The application of section 2(1) of the Act means that the register was (and is) a material consideration for the Council when determining the current planning application at Adare and indeed was also the case for previously refused application ref; UTT/17/1967/FUL for the same development.
- 11.16 The Council's adopted Local Plan and the GDNP make limited provision for self-build housing. In the context of the obligations of the Act and the provisions of the NPPF, it is clear that the proposed development of 4 no. custom/self-build dwellings at Adare should be afforded significant weight in the determination of an application where paragraph 61 of the NPPF states that local authorities should plan for a mix of housing based on the needs of different groups, including people wishing to build their own homes, notwithstanding that the officer report for refused application UTT/17/1967/FUL gave little weight to this increasingly relevant housing sector as a material consideration and where the demand for self-build plots remains high.
- 11.17 It should be emphasised that the Council's now formally submitted emerging Local Plan includes a detailed policy relating to Self-Build and Custom Units (Policy H8) which reflects government advice which expects local authorities to consider favourably proposals for self and custom build development as reflected in the statutory duties set out in the 2015 Act. However, as an emerging local plan which has yet to receive formal SoS endorsement, the plan only carries limited weight for Development Management purposes. The absence of any policy in respect of self-build or custom house building in both the 2005 adopted Local Plan and the GDNP is sufficient to further engage the 'tilted balance' as set out in paragraph 11 of the NPPF in favour of sustainable development for the current application whereby the proposal for a small, deliverable scheme would make a positive contribution towards meeting this specific demand for the district.
- 11.18 The application is accompanied by a signed and dated Unilateral Undertaking by the applicant to ensure that the scheme at Adare is developed for self/custom build housing as intended which reflects the legal wording of a nearby self-build/custom build housing development previously allowed at appeal at St Edmunds Lane. This, and the fact that future occupants of the new dwellings would likely to rely upon local services and amenities means that the economic strand of the NPPF would be met.
- 11.19 With regard to other matters of principle, the site is situated within Flood Zone 1 (lowest risk of flooding) meaning that the development would not be at risk of fluvial flooding. The applicant has stated that the development would be drained to soakaways either by use of SuDS underground storage tanks or by more conventional soak-away systems or a mixture of both drainage methods. Such

drainage methods would be acceptable for this site, although any grant of planning permission would need to be subject to a planning condition so that the drainage details could be approved by way of condition discharge. The proposal would therefore comply with ULP Policy GEN3 subject to this condition being imposed on any permission granted.

- 11.20 It is therefore considered that the proposal by reason of its location, its limited impact upon the wider local landscape and the self-build/custom build nature of housing proposed would amount to a presumption in favour of sustainable development when assessed against the three strands of sustainable development and therefore paragraph 11 of the NPPF is engaged. The proposal is therefore considered acceptable in principle as before with application UTT/17/1967/FUL in this respect.

**B Whether access arrangements would be satisfactory (ULP Policy GEN1).**

- 11.21 The proposed vehicular access arrangements for this 4 no. dwelling scheme are the same arrangements as shown for refused application UTT/17/1967/FUL, namely that a 5m wide access road would feed into the site from the back edge of the existing wide greensward of highway land across which the existing vehicular entrance track crosses, which would be modified at its junction with the B184 to provide a bell-mouth (see approved application UTT/18/0169/HHF for further details). Drawing 484.15 shows by means of swept path analysis how a lorry would be able to be turned both in and out of the modified site entrance with clear visibility in both directions along the B184 frontage, whilst drawing 484.01F shows similarly how a lorry would be able to be turned within the site and to be able to be driven out again in forward gear.
- 11.22 ECC Highways have advised that they do not have any highway objections to the proposed scheme insofar as they do not alter from the arrangements shown for UTT/17/1967/FUL and UTT/18/0169/HHF, notwithstanding that a Stopping Up Order process seeking the required site visibility along the B184 frontage south-eastwards has yet to be formally completed which in itself is not a material planning consideration. The proposal would therefore comply with ULP Policy GEN1.

**C Housing Mix (ULP Policy H10)**

- 11.23 The indicated housing mix for the site showing 3 and 4 bedroomed market dwellings to include a bungalow (Plot 4) as shown on the submitted drawings would represent an appropriate housing mix for the site which would be broadly in line with the Council's most recent SMAA housing assessment evidence base which has identified a local housing need within the district for the provision of 3 and 4 bedroomed market dwellings and bungalows where the inclusion of a bungalow within the site development as proposed is welcomed in terms of providing more accessible homes, albeit that a wheelchair accessible bungalow is not required in this instance given the number of dwellings proposed. The proposal would therefore comply with ULP Policy H10.

**D Impact of development on adjacent conservation area and upon setting of adjacent heritage asset (ULP Policies ENV1 and ENV2)**

- 11.24 The site lies immediately adjacent to the Great Dunmow Conservation Area, albeit that the access track to the site across the highway greensward lies within it. As noted for application UTT/17/1967/FUL, the proposed dwellings would incorporate traditional designs with a good level of architectural detail and having traditional finishes. It is considered from this that the proposed development would preserve the character and appearance of the conservation area, albeit that the development would not be able to be readily seen from within the conservation area itself and therefore not from the wider public domain. The proposal would therefore comply with ULP Policy ENV1.

11.25 LB ...Beaumont Cottage. The proposed development would lead to less than substantial harm to the setting of the adjacent designated Grade II heritage asset when weighed against the public benefits of the proposal, including securing the site's optimum viable use for housing. The proposal would therefore comply with ULP Policy ENV2.

**E Design (ULP Policy GEN2, SPD "Accessible Homes and Playspace", Essex Design Guide).**

11.26 The layout of the proposed development would be acceptable for this garden backland location whereby the dwellings would be sited within generous sized garden plots having rear private garden amenity areas exceeding 100sqm for 3 and 4 bedroomed dwellings. The dwellings would also have good separation distances within their respective plots. As the donor dwelling on the site would retain a generous garden curtilage. The housing density for this edge of settlement location would be low at 9 dwellings per hectare, although this density is appropriate for the site given its backland nature.

11.27 The design and scale of the dwellings would be appropriate for the site ranging from a bungalow to a larger 4 bedroomed dwelling. The dwellings are shown that they would incorporate accessible homes standards, which would be conditioned in any event. The proposal would therefore comply with ULP Policy GEN2 in terms of design.

**F Whether parking arrangements would be acceptable (ULP Policy GEN8, ECC Parking Standards, UDC Parking Standards).**

11.28 The proposed site layout has been laid out as such that each new dwelling would have the required ratio of on-plot parking either in the form of garaged parking (Plot 3) or hardstanding parking spaces under adopted parking standards. The same would apply for the donor dwelling. The parking provision would also allow for on-plot visitor parking. The proposal would therefore comply with ULP Policy GEN8.

**G Impact on residential amenity (ULP Policy GEN2).**

11.29 The dwellings shown for Plots 1, 2 and 3 would be positioned and orientated as such so that their impact on the residential amenities of those closest dwellings lining Beaumont Hill to the front of the site in terms of overbearing effect would not be significant. The nearest dwelling to the front boundary, namely that shown for Plot 4 would be a bungalow which would not because of its single storey nature and its distance from the boundary at 15m have any tangible overbearing effect or any loss of light to the nearest dwellings to the front.

11.30 There would be some reverse overlooking of some of the rear garden of the bungalow for Plot 4, although the immediate sitting out area for this plot would not be affected whereby any loss of private amenity could be mitigated by mature planting on the front boundary as shown to be implemented by the applicant in Site Section A-A on Site Plan Layout drawing 484.01F whereby the angle of view from the rear of those dwellings positioned to the front across an eye to eye distance of 25m to the middle of the rear garden for Plot 4 would be reduced to insignificant levels were such boundary planting to be implemented. The proposal would therefore comply with ULP Policy GEN2 in terms of its impact on adjacent residential amenity subject to additional appropriate planting measures being implemented, which can be conditioned.

**H Trees (ULP Policy ENV3)**

11.31 The site contains a number of trees and boundary hedgerow of varying species on all of its boundaries and internally across the site, including a tree grouping along

the site entrance track. A combined tree survey and tree protection drawing accompanies the application (Hayden's, July 2017) which identifies the condition and amenity value of the trees/hedging. Two trees have been identified as being Category B (Good amenity value) of which one would be removed (Yew hedge) and another (site entrance tree grouping "*which are of lower individual merit, but which together form a good collective feature*") would be crown lifted to 3m over the existing/proposed access. A number of other trees identified as Category C (Fair amenity value) would be removed. Those trees of good or fair amenity value to be retained through the proposed development are shown to be subject to tree protection measures, namely temporary protective barriers, temporary ground protection and crown lifting whereby these measures are to be implemented prior to and during the course of the development.

- 11.32 The number of trees to be removed at the site to facilitate the development and the specified tree protection measures to be put in place for tree retention are considered acceptable. The proposal therefore complies with ULP Policy EN3.

#### **I Impact on protected / priority species (ULP Policy GEN7)**

- 11.33 The application is accompanied by an ecology report (together with addendum report) (A Arbon) and a Bat Survey Report (Essex Mammal Surveys). The ecology reports have identified that the rear of the site has good natural habitat opportunities for reptiles given that an area of former lawn is taken over with the long term storage of a large quantity of garden pots and assorted items. However, no evidence of reptiles was found during the survey. The site does not contain any ponds, although there are a number of ponds within close proximity to the site which could represent natural habitats for Great Crested Newts (not surveyed). However, no commuting newts were found at the site from any of these ponds during the time of the survey. The bat survey conducted did not find any evidence of bats at the site either within existing outbuildings to be demolished or within trees whereby the report of findings states that the lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required for the site.
- 11.34 Given the absence of protected or priority species at the site from the ecology surveys conducted, the proposal would not have a harmful impact on protected or priority species. The proposal therefore complies with ULP Policy GEN7.

## **12. CONCLUSION**

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

- A The proposal to erect 4 no. self-build/custom build residential units is considered acceptable in principle in that the proposal would make more effective use of previously developed land as a deliverable small to medium self-build/custom build housing scheme at this sustainable residential backland location on the northern approach to the town. Given that one criterion of paragraph 14 of the revised NPPF is not fulfilled, namely the age of the Great Dunmow Neighbourhood Plan (GDNP), a situation which did not exist at the time of determination by the District Council of refused application UTT/17/1967/FUL, it is considered that the benefits of the proposed scheme significantly and demonstrably outweigh the adverse impacts of resisting the proposal in the planning balance, including impacts on highway safety, heritage and residential amenity, given the reduced and only the modest weight that can now be afforded to the GDNP as a made plan. Therefore, paragraph 11 of the NPPF is engaged for the purposes of decision taking whereupon the proposal represents a presumption in favour of sustainable development when assessed against the NPPF as a whole.
- B Proposed access arrangements would be acceptable.
- C The housing mix for the proposed development would be acceptable.
- D The proposed development would preserve the character and appearance of the adjacent conservation area and would lead to less than substantial harm to the

setting of the adjacent designated Grade II heritage asset when weighed against the public benefits of the proposal, including securing the site's optimum viable use for housing.

- E The design of the site layout/dwellings is considered acceptable.
- F Parking arrangements would be acceptable.
- G The development would not have a significant impact on adjacent residential amenity.
- H The number of trees to be removed and tree protection measures to be implemented would be acceptable.
- I The proposal would not have a harmful impact on protected or priority species.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS WITH SIGNED AND DATED UNILATERAL UNDERTAKING (SELF BUILD/CUSTOM BUILD HOUSING)**

### **Conditions**

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

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. Prior to the commencement of development, including ground clearance and compound set up, or any works pursuant of any other condition within this planning permission, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details
- l) Stock trees (species and size to be approved) to be planted along the southern (frontage) boundary of the site as indicated on approved drawing 484.01F.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development hereby granted can be properly assimilated into the local landscape by appropriate landscape mitigation measures and to provide sufficient protection to adjacent residential amenity.

3. All hard and soft landscape works shall be carried out in accordance with the approved 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 ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development and to provide sufficient protection to adjacent residential amenity.in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. Prior to the commencement of development, including ground clearance (or any works pursuant of any other condition within this planning permission), tree protection measures for those trees to be retained shall be implemented in accordance with the recommendations as set out in the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan (Hayden's, 25/10/2016).

REASON: To ensure that the important landscape features of the site are protected and not prejudiced by the development hereby approved in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that those trees identified as being of medium and good amenity value to be retained are suitably protected prior to and during construction works to ensure their long term health.

5. Prior to the commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the appearance of the resulting development is not injurious to visual amenity, the character and appearance of the adjacent conservation area or the setting of the adjacent listed building.

6. Prior to first occupation of the dwellings the vehicular access with associated visibility splays, parking and turning areas shall be implemented as shown on submitted drawings 484.01F and 484.15 and shall be maintained in perpetuity thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and that appropriate resident/visitor parking is provided on the site in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

7. Prior to commencement of development, no works shall take place until a scheme to minimise the risk of off-site flooding which may result from surface water run-off and groundwater from the site during construction works and the built development thereafter has been submitted to and approved in writing by the local planning authority, which shall incorporate sustainable drainage principles. The scheme shall

subsequently be implemented as approved.

REASON: The National Planning Policy Framework states that local planning authorities shall ensure that new development does not increase flood risk elsewhere in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development is made acceptable in terms of impacts on groundwaters and impacts on adjacent residential properties and to reflect climate change events.

8. 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 Council's adopted SPD "Accessible Homes and Playspace"

9. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary by the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

Pre-commencement condition justification: To ensure that future occupants of the dwellings hereby approved are not placed at undue risk of contamination.

10. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

11. No development shall commence until the applicant has secured and undertaken a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. The development site lies adjacent to a Roman cemetery identified in the 18th century and visible in crop mark evidence (EHER1277&1278). These cropmarks contain the Scheduled Monument of Square and circular barrows to the south east of Parsonage Farm (EHER1278). Roman settlements north and south of the site were reoccupied during the Saxon period, The earliest medieval settlement appears to

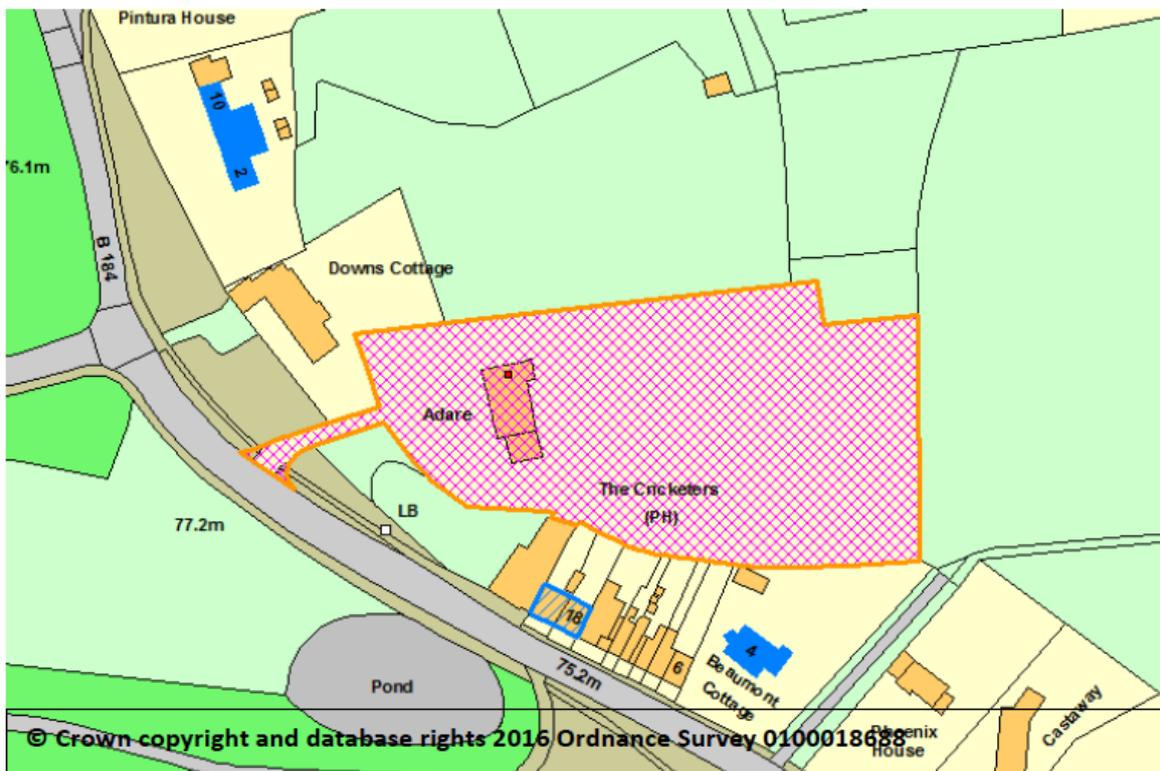
have been a continuation of the late Saxon settlement at Church End, where the parish church is located. There is, therefore, potential for Roman, Saxon and Late Iron Age remains within the development area.

The site is also located to the southwest of the Scheduled Monument Parsonage Farm moated site.

The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified.

A recognised professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the opportunity for underground heritage assets to be first recorded.



Organisation: Uttlesford District Council

Department: Planning

Date: 06 February 2019