

## UTT/19/1802/OP – GREAT DUNMOW

### MAJOR

Being reported to committee at Development Manager's discretion

**PROPOSAL:** Outline application with all matters reserved except for access for a residential development of up to 115 dwellings (use class C3) including access, landscaping, car parking and associated works

**LOCATION:** Land Off the Broadway, Dunmow

**APPLICANT:** Mrs G Potter

**AGENT:** Mrs R Hall – Planning Prospects Ltd

**EXPIRY DATE:** 24 October 2019 – Extension of Time: 24 February 2020

**CASE OFFICER:** Mrs K Denmark

---

### 1. NOTATION

1.1 Outside Development Limits/Public Rights of Way

### 2. DESCRIPTION OF SITE

2.1 The application site is located on the eastern edge of Church End, Great Dunmow. It is part of an arable field located to the south east of The Broadway. The Broadway forms the north western boundary of the site and the residential development along the eastern side of St Edmunds Lane forms the south western boundary. Marks Hall Lane and the woodland form the south eastern boundary. The north eastern boundary is undefined in the agricultural landscape.

2.2 The site slopes from the Broadway and St Edmunds lane upwards towards the woodland and Marks Hall Lane. The land levels run from approximately 60m AOD at the south western site boundary to approximately 75m AOD at the south eastern edge.

2.3 There is a public footpath running from St Edmunds Lane up into the site and crossing the middle of the field before cutting across to join the edge of the woodland. This then joins the bridleway that runs from the Broadway, along the rear of the properties in St Edmunds Lane, along the south eastern boundary of the site and around the woodland. There is a further public footpath running along Marks Hall Lane.

### 3. PROPOSAL

3.1 The proposal relates to outline planning permission for up to 115 dwellings with all matters reserved except for access. Access is proposed to be from The Broadway. An indicative Development Framework Plan has been submitted indicating that the proposed development would be located in two clusters, one adjacent to The Broadway and one to the rear of St Edmunds Lane. The area around the public footpath is shown as being a wide green corridor enabling views to the church tower to be retained.

- 3.2 The indicative plan includes a locally equipped area for play (LEAP), a large area of public open space, including a SuDS drainage basin. The plan also indicates new planting to the rear of the properties along St Edmunds Lane to protect the amenity of neighbouring dwellings.

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

- 4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

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

- 5.1 The application is accompanied by the following documents, available to view on the file.

- Arboricultural Impact Assessment
- Biodiversity Checklist
- Biodiversity Impact Calculator
- Design and Access Statement
- Flood Risk Assessment
- Foul Drainage Analysis
- Heritage Assessment
- Land Contamination Report
- Landscape and Visual Impact Assessment
- Mineral Resource Assessment
- Noise Screening Report
- Planning Statement
- Preliminary Ecological Appraisal
- SuDS Checklist
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Utilities Assessment

#### **Conclusion of Planning Statement:**

In making the planning application, it is our submission that the proposal represents a high quality, sustainable development which will provide significant benefits that substantially outweigh any adverse impacts and therefore there are compelling grounds to grant planning permission in this instance. In summary:

- The Development Plan in this case is out of date insofar as it relates to the provision of land for housing and its policies that are most important to the determination of this application can only be given limited weight, whilst new emerging policy is still some time from being adopted. The development should be approved in accordance with the Framework's presumption in favour of sustainable development and the Government's objective to significantly boost the supply of homes.
- The proposed development will positively contribute to the supply of, and on-going need for, housing within Uttlesford and the wider Housing Market Area (HMA) which constitutes a significant and material planning benefit in

favour of the proposals, particularly where there has been a significant historic under delivery of housing.

- The development will also provide much needed affordable housing which constitutes a significant and material planning benefit in favour of the proposals, particularly where affordability is a worsening issue in Uttlesford.
- The proposed development is both high quality and sustainable. Great Dunmow is a sustainable location identified as capable of accommodating additional growth in the Council's Local Plan.
- The application site is on the edge of Great Dunmow and is adjacent to existing housing. It forms a well contained and logical extension to Great Dunmow's existing settlement pattern, with existing boundary vegetation retained (save for creation of a single site access) and with substantial new planting including on the site's north eastern boundary to create a defensible boundary with enhanced ecological connectivity to existing woodland.
- The development accords with the economic role of sustainable development in that it will contribute to a strong, responsive and competitive economy providing significant jobs during the construction phase of the development and attracting new residents of working age to the locality following occupation.
- The development accords with the social role of sustainable development supporting a strong, vibrant and healthy community, providing a range and choice of housing types and tenures in a high-quality environment, accessible to local services and infrastructure and improving pedestrian accessibility.
- The development accords with the environmental role of sustainable development protecting and enhancing the best of the local natural environment, enhancing biodiversity with the prudent use of resources and mindful of climate change with sustainable drainage.
- The proposed development sensitively addresses site specific development issues including such matters as site access and traffic, ecology interests and particular consideration has been given to thoughtful landscape design and retaining views of St Mary's Church tower. These aspects have strongly influenced the number of houses proposed, as well as the nature, scale and location of the proposed housing on the site.
- The development will make appropriate financial contributions to support local services and infrastructure including to mitigate any impacts, creating additional capacity as required, and in line with Development Plan policy.
- The proposals will provide substantial new areas of public open space, including a new equipped children's play area close to Great Dunmow which is one of the priorities for funding within the Great Dunmow Neighbourhood Plan (2016), and its provision will benefit existing and future residents.

The proposals are in line with the National Planning Policy Framework, and represent sustainable development. In such circumstances planning permission should be granted, subject to conditions and obligation as suggested.

## **6. RELEVANT SITE HISTORY**

- 6.1 There is no relevant site history in respect of this site. There is an outline application with all matters reserved except for access for up to 50 houses including 50% affordable homes on land opposite this site to the north west of The

Broadway. This application was the subject of an appeal against non-determination and was subsequently dismissed.

## **7. POLICIES**

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

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN6 – Infrastructure Provision to Support Development

GEN7 – Nature Conservation

ENV2 – Development affecting Listed Buildings

ENV4 – Ancient Monuments and Sites of Archaeological Importance

ENV5 – Protection of Agricultural Land

ENV7 – The Protection of the Natural Environment – Designated Sites

ENV10 – Noise Sensitive Development and Disturbance from Aircraft

ENV14 – Contaminated Land

H1 – Housing Development

H3 – Housing within Development Limits

H9 – Affordable Housing

H10 – Housing Mix

### **Great Dunmow Neighbourhood Plan**

DS1:TDA: Town Development Area

DS13: Local Housing Need

LSC1: Landscape, Setting and Character

SOS2: Sporting Infrastructure Requirements

GA1: Core Footpath and Bridleway Network

GA2: Integrating Developments (Paths and Ways)

GA3: Public Transport

### **National Policies**

National Planning Policy Framework (NPPF)

Planning Practice Guidance

## **8. TOWN COUNCIL COMMENTS**

- 8.1 Town Council strongly objects to this outline application which would have a detrimental impact on the character and setting of Church End conservation area and the rural outlook of the north-easterly approach to the town. The site is outside the Gt Dunmow Neighbourhood Plan Town Development Area and therefore in the countryside, contrary to ULP S7. The supporting text of the DS1 policy stipulates that it is very important to resist development proposals which threaten our environment and a high local priority should be given to constrain urban sprawl which would destroy the rural setting and character of the town and parish. The Upper Chelmer Valley Landscape Area LCA A6 (Chris Blandford Landscape Character Assessments 2006) has a relatively high sensitivity to change and the development would have a significant harm on the public footpath and bridleway traversing the site. It is accepted that the indicative plan retains a sightline through open space towards the parish church and additional buffer screening to the east is suggested to enclose the site. If the development were to

go ahead, the Town Council would request significant landscape screening, to be secured by planning condition. Should the development be considered sustainable in the planning balance, it is likely that road mitigation measures would be required, and funding should be sought by s106 contributions. In addition to the play space within the development, the Town Council would request a financial contribution towards sporting facilities in accordance with the GDNP Policy SOS2: Sporting Infrastructure Requirements and with reference to Sports England's recommendations and Uttlesford's sports strategies.

- 8.2 12 November 2019: Further to our earlier comments, the developer should be aware that the 313/313A bus service referred to for evidence of transport sustainability is currently under threat of full withdrawal in 2020.

Without prejudice, should the Planning Authority be minded to approve the 115 homes proposal, Great Dunmow Town Council requests that a financial contribution be ring fenced for the local bus service, in accordance with the towns Neighbourhood Plan (GDNP) objective:  
Great Dunmow will be serviced by a comprehensive and usable public transport network, with routes operating regularly and frequently to a wide range of valued destinations.

The GDNP Position GA-A states: Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow.

Please refer to Essex Highways to ensure that an appropriate financial contribution is established, so that the housing development complies with GDNP Policy GA3: Public Transport New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this.

## **9. CONSULTATIONS**

### **ECC Ecology**

- 9.1 No objection subject to securing biodiversity mitigation and enhancement measures

#### **Summary**

We have reviewed the Preliminary Ecological Appraisal (CSA Environmental, June 2019) and the Ecological Impact Assessment (CSA Environmental, August 2019) relating to the likely impacts of development on designated sites, protected species and priority species and habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We also note that this application is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR), as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim

LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application contains more than 50 units, Natural England have proposed that a financial contribution should be provided towards the delivery of off-site Strategic Access Management Measures (SAMMs) for Hatfield Forest SSSI/NNR, which will need to be secured via legal agreement. In addition, as this application actually contains more than 100 units, the development must contain adequate Accessible Natural Greenspace (ANG) within the redline boundary.

However, we acknowledge that the Preliminary Ecological Appraisal (CSA Environmental, June 2019) has indicated that contribution towards the SAMMs will be provided for this application. In addition, the Development Framework Plan (CSA Environmental, March 2019) demonstrates that adequate Accessible Natural Greenspace (ANG) will also be provided. Therefore, subject to the SAMMs being secured by legal agreement, we are satisfied that the development will provide appropriate mitigation will be secured for Hatfield Forest SSSI/NNR.

The additional mitigation measures identified in the Preliminary Ecological Appraisal (CSA Environmental, June 2019) and the Ecological Impact Assessment (CSA Environmental, August 2019) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. We also note, as mentioned in the Ecological Impact Assessment (CSA Environmental, August 2019) that an additional survey of the off-site badger sett is should be undertaken prior to the works commencing to identify if there have been any changes in the badger activity and inform appropriate construction methodologies to minimise the impact of the development on the badgers. This should be a condition of any consent.

The Bat Survey Report (Appendix F of the Ecological Impact Assessment (CSA Environmental, August 2019)) mentions numerous bat species have been recorded onsite. Bat species can be especially sensitive to disturbance from lighting, thus, a Wildlife Sensitive Lighting Design Scheme should be submitted and secured as a condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent. This should include specific details relating to the proposed enhancements and details for their long term management.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

### **NHS England**

- 9.2 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution (£59,040) would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered

in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed developments. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

### **Anglian Water**

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

Used water network - The sewerage system at present has available capacity for these flows.

Surface water: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

### **ECC Education**

- 9.4 Assuming all 115 houses are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 10.35 Early Years and Childcare (EY&C) places; 34.50 primary school, and 23.00 secondary school places.

Financial contribution of £180,318 for Early Years and Childcare (£17,422.00 per place)

The development sits within the joint priority admissions area for Dunmow St Mary's and Great Dunmow primary schools. Both schools have a Published Admission Number of 60 pupils per year, which equates to a total of 840 places across the seven year groups. As of May 2019 there were 841 pupils on roll with both schools running some classes in excess of thirty and with only two year groups having any space. GP registration data received from the NHS shows that more children live in the area, in each future cohort born, than there are places. Forecasts for the wider Dunmow area, which includes Great Easton CE Primary School, are set out in the Essex School Organisation Service's 'Ten Year Plan' to meet demand for school places. These forecasts suggest that, without action, demand will exceed current capacity for all but one future cohort with up to 60 additional places per year needed by the end of the Plan period. Agreement has been reached with Dunmow St Mary's to take 30 additional pupils this September, and again next year, to meet immediate demand. Further temporary measures do not appear feasible and, longer term, a new school is required. As you will be aware, Essex County Council have secured new school site options on two other housing developments in the area through s106 agreements. Unfortunately neither development has progressed sufficiently to trigger an option and there is a high degree of uncertainty regarding when either will be available for a new school. Until there is a clear timeline for obtaining land for a new school, further housing development proposals such as this one cannot be considered

sustainable in education terms. At this point in time financial contributions alone, towards building a new school, would not mitigate the impact of the development.

With regards to secondary school provision, the priority admissions area school would be Helena Romanes. The school has a moderate level of unused accommodation and was able, with some minor works, to increase its admission number last September to meet local demand. According to forecasts, in the 10 Year Plan, further expansion will be required by September 2024. Reflecting the growth in school place demand that the area is experiencing, Uttlesford's emerging Local Plan makes provision for land that could allow the school to relocate and expand.

### **MAG Safeguarding**

- 9.5 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objections to the general principle of the scheme but request that we are consulted further if there are any future plans to include solar technology in the design. The SuDS design has the potential to increase the risk of birdstrike to aircraft using Stansted Airport and we therefore request a condition that the SuDS pond must be designed to be usually dry, with a quick draw down time (less than 3 days).

### **Essex Police**

- 9.6 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

### **Affinity Water**

- 9.7 The proposed development site is located close to an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Dunmow Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water. If you are minded to approve the application, it is essential that appropriate conditions are imposed to protect the public water supply.

### **Highways England**

- 9.8 Offer no objection.

### **Housing Enabling Officer**

- 9.9 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 115 (net) units. This amounts to 46 affordable

housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

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) as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 6 bungalows across the whole site delivered as 3 affordable units and 3 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

Homes should meet the following standards;

	Land off the Broadway, Gt Dunmow UTT/19/1802/OP				
	1 bed	2 bed	3 bed	4 bed	Totals
Total affordable units	6	22	17	1	46
Affordable Rent	4	15	12	1	32
Shared Ownership	2	7	5	0	14
Number affordable bungalows					3

### **Lead Local Flood Authority**

- 9.10 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.

### **Highways**

- 9.11 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

It is noted that the location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option will be the car. This should be taken in to consideration by the Planning Authority when assessing the overall sustainability and acceptability.

The highway authority has developed an outline public transport strategy for Great Dunmow and therefore we are recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site, which currently only benefits from infrequent off peak services, and provide support for the service for 5 years. This contribution alone will provide a bus for

two and a half years only and therefore to be effective must be part of the wider strategy. In addition, it is recommended that a means is provided for a bus to turn within in the site to allow the service to be provided without crossing the weight restricted bridge on the Broadway.

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

### **Environmental Health**

- 9.12 The applicants have submitted a Phase I Land Contamination Report, and Air Quality and Noise Impact Screening reports for the proposed development of the site. These are all important environmental factors that warrant further consideration in the context of the proposed development of the site. Overall, I have not identified any significant environmental factors that would warrant a formal objection to the outline proposal. However, there are a number of localised issues that will need to be addressed and conditions are required.

Part of the site has been used for historic landfill of unknown content and conditions will be required in respect of land contamination.

The Noise screening report identified noise from the neighbouring farm as an occasional source of noise that may impact on residents. Similarly, those located closest to the B1057 may be impacted by road noise, particularly in outside amenity areas. There is the opportunity to embed noise mitigation measures in the design and layout of the site and orientation of dwellings on it.

In view of the scale of development, the proximity to existing residential occupiers and the details set out in the Noise and Air Quality Screening Reports, it is recommended that the construction works on the site be controlled through the submission of a Construction Management Plan.

With regards to operational aspects of the development once occupied, it has not identified that any mitigation measures are necessary to off-set the introduction of new receptors and more importantly increased traffic movements as a result of the development. Nevertheless, a development of this size will have implications for local air quality, even if these do not result in a breach of Air Quality Objectives. As such, it is essential that the application is supported by a sustainable travel plan and includes the provision of sufficient electric vehicle charging points to promote the use of electric powered vehicles in harmony with the national initiatives to promote greener transport, reduce carbon emissions as part of the wider climate change agenda.

### **Landscape Officer**

- 9.13 The proposal site is open gently rolling arable land which can be appreciated in views taken from the local public footpath/bridleway network and from the Broadway road. The site is an integral part of the broad sweep of bucolic landscape on the approach to Church End along the Broadway and is fundamental to the quality of the setting of Church End and its conservation area. The row of eight relatively modest semi-detached early 20th century dwellings forming Church Villas, just outside the conservation area, sit comfortably in the landscape on the settlement edge. The later housing in St. Edmunds Lane bounding the eastern edge of the proposal site is for much the greater part not visible in the approach into Church End along the Broadway.

The proposed development would have a significant detrimental impact on the landscape character of the site and the part it plays in the broader landscape and setting of Church End.

### **Conservation Officer**

- 9.14 The proposed development is considered to impact the agricultural setting of Church End causing a partial loss of open land through which the settlement is understood as primarily a farming community in origin; as the application site permits views of the Grade I listed Church of St Mary the Virgin, the proposal affects its artistic and communal values, hitherto experienced from within a historically agricultural environment, proposed to be appreciated from within a housing estate. Further to this, the proposal infills the open break between the settlement and Crouches Farmhouse (Grade II listed), consolidating it with the core, which in turn removes the isolation inherently tied to its understanding as historically a working farm.

For the above, the proposal is considered to cause “less than substantial harm” to the significance of a number of designated heritage assets as derived from their setting (i.e. the conservation area, the church and the farmhouse), paragraph 196 of the NPPF is relevant.

### **Archaeology**

- 9.15 The Historic Environment Record shows that the proposed development lies within an area of known archaeological deposits. The proposed development is located in an area of cropmark evidence comprising linear features south of the historic farmstead of Crouches dating to the sixteenth century (EHER 18069). Archaeological investigation within the historic core of Church End has uncovered prehistoric (Mesolithic, Neolithic and early Bronze Age), Roman, medieval and post-medieval occupation. The earliest building in the settlement is the church of St Mary the Virgin, which is 13th century, and is thought to occupy the site of a late Saxon predecessor.

Recommend an archaeological programme of trial trenching followed by open area excavation.

## **10. REPRESENTATIONS**

- 10.1 This application has been advertised and a number of letters of representation have been received raising the following points. Notification period expired
- Highways and road safety concerns
  - Church End is small hamlet and seen sizeable expansion
  - Will double size of community
  - Loss of rural feel of community
  - Loss of agricultural land
  - Flood risk
  - Proposed footway is narrow strip of land and not good design for safety
  - New housing should be to the west of Great Dunmow away from historic core
  - Impacts on infrastructure
  - More development than Dunmow can take

- Need to balance need for housing with quality of life for existing residents
- Recommended that site be protected in Great Dunmow Town Design Statement
- Only entrance to Dunmow not developed and is fine example of countryside
- Not identified in emerging Local Plan or Neighbourhood Plan for development
- Neighbourhood Plan identifies rural setting as important asset
- Lack of public transport
- ECC makes it clear there are insufficient education places available for this development

## 11. APPRAISAL

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

- A Principle of development (ULP Policies S7, H1, H3, H9, H10, GEN2, ENV5; GDNP Policies DS1:TDA, LSC1; DS13; NPPF)
- B Impact on heritage assets (ULP Policies ENV2 , ENV4; NPPF)
- C Highways (ULP Policy GEN1; GDNP GA1, GA2, GA3 NPPF)
- D Ecology (ULP Policies GEN7, ENV7; NPPF)
- E Flood risk and groundwater protection (ULP Policies GEN3; NPPF)
- F Infrastructure (ULP Policies GEN6, H9; GDNP SOS2; NPPF)
- G Other material considerations

11.1 S70(2) of The Town and Country Planning Act 1990 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.

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 The National Planning Policy Framework is a material consideration and paragraph 11 sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

11.3 It is therefore necessary to establish if the 'tilted balance' is engaged in the decision making in this instance. 11d)i) refers to various designations, the most important for the decision making in this instance being SSSI and designated heritage assets (adjacent listed buildings). As will be discussed below, the impacts of the proposals on SSSI's and heritage assets are not sufficient to provide a clear reason for refusing the development. Therefore, the 'tilted balance' of paragraph 11d)ii) is engaged.

**A Principle of development (ULP Policies S7, H1, H3, H9, H10, GEN2, ENV5; GDNP Policies DS1:TDA, LSC1, DS13; NPPF)**

11.4 Policies S7, H1 and H3 form the basis of the development strategy as set out in the adopted 2005 Local Plan. Whilst it is acknowledged that the Local Plan is out of date insofar as it relates to housing numbers from a different era, it does not necessarily follow that the policies are out of date. Policy S7 is of importance in the determination of this application.

11.5 The application site is located outside the development limits and within the countryside as designated by Policy S7. This policy is partially compliant with the NPPF being compatible with the principles of paragraph 170(b) of the NPPF which requires decisions to be made whilst recognising the intrinsic character and beauty of the countryside. However, given the restrictive nature of the policy it has moderate weight.

11.6 Policy GEN2 relates to good design. Whilst this is predominantly a policy to be considered at reserved matters stage, criterion b) is relevant to be considered at outline stage. This requires development to safeguard important environmental features it is setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. This policy is compatible with the NPPF and has full weight.

11.7 The site falls within the area covered by Great Dunmow Neighbourhood Plan Policy DS1: TDA: Town Development Area. This policy identifies the area where new development will be directed towards with the remainder of the area being treated as countryside. This proposal falls within the area designated as countryside. Policy LSC1 seeks to secure high quality development respecting the key positive features of the approaches to Great Dunmow.

11.8 The Great Dunmow Town Design Statement identifies the approach along the B1057 and the protection of the agricultural landscape to the north and south of the road is important.

11.9 The Historic Settlement Character Assessment (2007) describes the approach to Church End along Stebbing Road as being one of a very open agricultural landscape on a gradient that descends to the edge of Church End. There is a firm edge to Church End and The Broadway which is heavily treed in places where the distinctive landmark church tower is visible above the tree canopy. This landscape is described as making a clear distinction between built form and countryside form.

11.10 The report goes on to consider the effect of development. It states:

*“The principal effect of development on Sector 7 land would be to extend urban development onto highly visible and open rising farmland and introduce an extended urban settlement in close proximity to a small community with a separate identity and an historic core characterised by narrow roads where increased traffic would detract from its historic qualities. A large urban extension here would further diminish the separate characteristics of this small discreet community exacerbating detrimental effects already created by the nearby St Edmunds Fields. Dependant on location, development on sector 7 land could detrimentally affect the impact of the landmark tower of St Mary’s church from some vantage points. In broad summary it is considered that development in this sector would diminish the sense of place and local distinctiveness of the settlement.”*

- 11.11 The proposal would introduce a significant amount of new built form within the open countryside. Whilst the site has no special landscape designation, it is of some visual quality and affords long distance views to be taken from the public rights of way over to the historic cores of Great Dunmow town centre and Church End. In addition, the site is visible from within the historic area of Great Dunmow, in particular from areas along The Causeway. The site forms part of the broad sweep of bucolic landscape on the approach to Church End along the Broadway and is fundamental to the quality of the setting of Church End and its conservation area.
- 11.12 Whilst the Development Framework Plan submitted with the application indicates that development would be centred in two separate areas within the site, with a green corridor affording views through to the church tower, this is indicative only as access is the only matter to be determined at this time.
- 11.13 The LVA accompanying the application describes the site as “relatively undistinguished and is fairly typical of the surrounding landscape”. It then goes on to state that the site is not publically accessible, although it is crossed by public rights of way. This is a contradiction in terms. The footpaths (and bridleway) offer public access within and across the site. The footpath in particular affords views across to the church and it is an element of these views that the proposed green corridor is seeking to retain.
- 11.14 The LVA describing the site as “relatively undistinguished” and “fairly typical” fails to acknowledge that this site forms a backdrop to the church tower when viewed from The Causeway. Paragraph 1.159 of the Great Dunmow Conservation Area Appraisal states that the views of Church End and the church tower from Beaumont Hill and the Causeway are important. Notwithstanding the proposal to retain an area of public open space on the higher part of the site, this will change the agrarian backdrop to the church tower to a managed landscape, including the proposed LEAP.
- 11.15 Paragraph 5.6 of the LVA refers to the development proposals being seen in the context of new development currently under construction or with the benefit of planning permission within Great Dunmow. However, there are limited, if any, opportunities for this proposal to be seen in the context of the development approved on the southern end of St Edmunds Lane. The proposal also relies on extensive planting along the eastern boundary to screen the development when approached from the east. However, this would take many years to mature to provide adequate screening, and landscaping does not make an unacceptable proposal acceptable.

- 11.16 Despite the fact that the Great Dunmow Conservation Area Appraisal identifying the views from Beaumont Hill and The Causeway over Church End and the church tower being important, these have not been adequately assessed in the LVA. Viewpoint 23 in the LVA is from The Causeway and has not been assessed. However, viewpoints 20, 21 and 22, a slightly lower levels to that at 23, have been assessed with the commentary stating “the upper floors and roofs of the new houses will be seen above the roofline of existing properties within Church End, from elevated points within the recreation ground.” This has been assessed as having a “slight adverse” impact in both Year 1 and Year 15 of the development. Given the fact that the site is more visible in viewpoints 23 and 24, neither of which are assessed in the LVA, it is the officer’s view that the proposed development would have a moderate adverse impact on the character of the landscape given the importance of the viewpoints.
- 11.17 The findings of the LVA from the majority of viewpoints assessed is that the proposals would result in slight to moderate adverse impacts even after 15 years. In terms of impacts on the receptors using the bridleway along the western boundary of the site, this would be substantial adverse with the bridleway indicated being adjacent to a road for the most part. Conversely, in respect of the users of the public right of way crossing the site, the impacts are assessed as being substantial adverse reducing to moderate adverse in year 15. However, this assessment appears to reflect views out of the site rather than within the site and the changed experience to users of the route.
- 11.18 It is noted that the LVA accompanying this application reaches the general conclusion that the proposals would “read as a continuation of the existing built up area”. This is similar in the findings in respect of the proposal on the opposite side of the Broadway (UTT/18/3157/OP) which was dismissed at appeal on 2 December 2019. This site is different to the appeal site in that it is the continuation of the valley side falling away to the north west and therefore on lower ground. The Inspector stated in paragraph 9 of the decision:
- “Indeed, the stretch of The Broadway where development is proposed to occur is currently clear of built development to both of its sides and only scattered forms of development can be observed across areas of countryside in proximity. In this context the proposal would have a strong urbanising influence at an important approach into Church End and Great Dunmow. Whilst located upon a rising valley slope, I noted, from inspection, that views of the site were available from a considerable distance when approaching on The Broadway.”*
- 11.19 The Inspector went on to discuss the impacts in respect of public rights of way and concluded that the proposed development (up to 50 units) would appear as a “prominent excursion into the open countryside”. Whilst the differences between the two sites are noted, it is officer’s view that this proposal would also represent a prominent excursion into the open countryside adversely affecting an important approach into Church End and Great Dunmow. As such the proposal is contrary to Uttlesford Local Plan Policy S7, and Great Dunmow Neighbourhood Plan Policy DS1 and LSC1.
- 11.20 Notwithstanding the fact that the proposals are contrary to policy, it is necessary to consider other material considerations. Paragraph 14 of the NPPF sets out that where the presumption in favour of sustainable development applies, as set out in paragraph 11d), that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, this only applies where the Council can demonstrate a 3

year housing land supply. Currently the Council can only demonstrate a 2.68 year land supply and as such the extra protection of the Neighbourhood Plan does not carry full weight. In addition, it should be noted that the Neighbourhood Plan was adopted in December 2016 and therefore does not comply with criterion a) of paragraph 14.

- 11.21 Paragraph 170b) of the NPPF recognises the intrinsic character and beauty of the countryside. The discussion above reflects this element of the NPPF. However, it is also necessary to consider the benefits of the delivery of additional housing, particularly given the current 5 year housing land supply position. The delivery of 115 dwellings would be of significant benefit, as would the delivery of 40% affordable housing. The proposals would comply with the requirements of Policy H10 and GDNP Policy DS13, and are capable of complying with the requirements of Policy H9. The benefits of the proposals have significant weight in the planning balance, discussed in further detail later in the report.
- 11.22 The proposal would result in the loss of 6.7ha of predominantly grade 3 agricultural land, the type of land that Policy ENV5 seeks to protect. This policy is consistent with the NPPF and I give the policy full weight. However, it must be acknowledged that there are limited brownfield sites within the district and the majority of the district's agricultural land is grade 2 or 3. As discussed above, the proposals would deliver significant benefits with the provision of additional housing, including affordable housing. These benefits would outweigh the loss of agricultural land.

## **B Impact on heritage assets (ULP Policies ENV2 , ENV4; NPPF)**

- 11.23 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV2 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV2.
- 11.24 The proposal is located in close proximity to Crouches Farmhouse, a Grade II listed building. In addition, the proposal has the potential to affect the setting of the Church of St Mary the Virgin, in particular impacting on the bucolic setting of the church when viewed from the west and north west and also views to the church from within the site. The proposal also affects views to The Clock House, located on the Causeway.
- 11.25 The NPPF seeks to protect designated heritage assets and their setting, and this can include conservation areas. The proposals impact on the approach to and views of the Church End Conservation Area, and also areas of the Great Dunmow Conservation Area and Parsonage Downs Conservation Area.
- 11.26 The application is accompanied by a Heritage Assessment. This identifies the heritage assets which could be impacted by the proposals and assesses the level of harm, if any, arising. The assessment focusses on Crouches Farmhouse, the Church of St Mary the Virgin, Church End Conservation Area and the Clock House, as well as two scheduled ancient monuments at Parsonage Farm.

- 11.27 The Assessment identifies that the proposals are likely to result in less than substantial harm at the lowest end of the scale to Crouches Farmhouse. No harm to the setting of the Church, the Conservation Area or the Clock House were identified.
- 11.28 The proposals have been assessed by the Conservation Officer who identifies that the proposals will impact the agricultural setting of Church End causing a partial loss of open land through which the settlement is understood as primarily a farming community in origin. The application site permits views of the Grade I listed Church of St Mary the Virgin and the proposals will affect its artistic and communal values due to a change in the experience from a historically agricultural environment to being appreciated from within a housing estate and a managed landscape.
- 11.29 The Conservation Officer also identifies that the proposals would infill the open break between the settlement of Church End and Crouches Farmhouse consolidating it with the core, which in turn removes the isolation inherently tied to its understanding as historically a working farm. As such, the proposals are considered to cause less than substantial harm to the significance of a number of designated heritage assets as derived from their setting. This harm is at the low end of the scale and the harm needs to be weighed against the public benefits of the scheme, which will be assessed in the planning balance below.
- 11.30 Policy ENV4 seeks to protect archaeological heritage assets. Like Policy ENV2 this policy does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV4 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV4.
- 11.31 The County Archaeologist has identified that the site lies within a potentially sensitive area of heritage assets. The proposed development lies within an area of known archaeological deposits. The proposed development is located in an area of cropmark evidence comprising linear features south of the historic farmstead of Crouches dating to the sixteenth century (EHER 18069). Archaeological investigation within the historic core of Church End has uncovered prehistoric (Mesolithic, Neolithic and early Bronze Age), Roman, medieval and post-medieval occupation. The earliest building in the settlement is the church of St Mary the Virgin, which is 13th century, and is thought to occupy the site of a late Saxon predecessor.
- 11.32 The County Archaeologist has recommended an archaeological programme of trial trenching followed by open area excavation. This can be secured by condition if planning permission is granted. This would be sufficient mitigation to off-set the harm to the heritage assets and as such the proposals would comply with Policy ENV4 and the NPPF.

**C Highways (ULP Policy GEN1; GDNP GA1, GA2, GA3 NPPF)**

- 11.33 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is

generally consistent with the NPPF and has moderate weight. Great Dunmow NP policies GA1, GA2 and GA3 relate to various aspect of sustainable transport promoting other means of transport other than the private car, namely public rights of way and public transport. These principles were in line with the 2012 NPPF and form part of the principles of sustainable development in the 2019 NPPF and as such are considered to carry full weight.

- 11.34 The proposals are indicated to have one point of access onto The Broadway. These proposals have been assessed by the Highway Authority who confirm that, subject to the construction of the proposed access with the required visibility splays there will be no adverse impacts on the local highway network arising from the proposals.
- 11.35 In line with paragraph 108 of the NPPF, and the GDNP policies GA1-3, the highway authority has developed an outline public transport strategy for Great Dunmow. As part of the strategy the Highway Authority is recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site, which currently only benefits from infrequent off peak services, and provide support for the service for 5 years. This contribution alone will provide a bus for two and a half years only and therefore to be effective must be part of the wider strategy. In addition, it is recommended that a means is provided for a bus to turn within in the site to allow the service to be provided without crossing the weight restricted bridge on the Broadway. This contribution can be secured by way of s106 Legal Obligation if planning permission were to be granted.
- 11.36 Other requirements for improvements to infrastructure that would be required in order to secure sustainable transport options would be the provision of a footway along the south eastern side of the Broadway and ensuring that links to the existing public right of way network are secured. In addition, improvements to the bus stops would be required. These measures can be secured by way of conditions if planning permission were to be granted. Therefore, subject to these requirements, the proposals would comply with Policies GEN1, GA1, GA2 and GA3.

#### **D Ecology (ULP Policies GEN7, ENV7; NPPF)**

- 11.37 Policy GEN7 relates to nature conservation and seeks to protect habitats and protected species. This policy is partially consistent with the NPPF but the NPPF strengthens the requirements, including the requirement for biodiversity enhancements. As such the policy has limited weight.

Policy ENV7 seeks to protect designated areas of nature conservation, such as SSSIs, National Nature Reserves and Local Wildlife Sites. This policy is partially consistent with the NPPF with the NPPF setting out a hierarchy which is different to the policy approach. As such this policy has limited weight.

The application site is currently in agricultural use and therefore has limited potential for providing habitats for protected species. The main benefit arises from the proximity to the woodland. The submitted Preliminary Ecological Appraisal identifies opportunities for biodiversity net gain.

The proposals have been considered by the County Ecologist who raises no objections to the proposals subject to conditions. Subject to conditions, the proposals comply with Policy GEN7.

The County Ecologist has advised that this application is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR), as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application contains more than 50 units, Natural England have proposed that a financial contribution should be provided towards the delivery of off-site Strategic Access Management Measures (SAMMs) for Hatfield Forest SSSI/NNR, which will need to be secured via legal agreement. In addition, as this application actually contains more than 100 units, the development must contain adequate Accessible Natural Greenspace (ANG) within the redline boundary.

The County Ecologist acknowledges that the Preliminary Ecological Appraisal (CSA Environmental, June 2019) has indicated that contribution towards the SAMMs will be provided for this application. In addition, the Development Framework Plan (CSA Environmental, March 2019) demonstrates that adequate Accessible Natural Greenspace (ANG) will also be provided. Therefore, subject to the SAMMs being secured by legal agreement, we are satisfied that the development will provide appropriate mitigation will be secured for Hatfield Forest SSSI/NNR.

The request for securing SAMMS by s106 Legal Obligation is noted. However, at the current time the SAMMS proposal is still the subject to consultation and the tariff has not yet been established. At the present time there is no guarantee that the SAMMS will be adopted and therefore it would be irrational to secure this in a legal obligation. However, at appeal in two recent public inquiries a compromise has been offered by applicants that a s106 Legal Obligation includes a clause requiring the payment of SAMMS should the proposals be adopted by the time the development commences on site. Therefore, if Members are minded to approve the application then this could be included in a legal obligation and the proposals would comply with Policy ENV7.

## **E Flood risk and groundwater protection (ULP Policies GEN3; NPPF)**

Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.

The site is located within Flood Zone 1 and therefore the area least likely to flood. However, the proposals would introduce a significant area of impermeable surfacing which could increase the flood risk elsewhere without appropriate mitigation. The Flood Risk Assessment submitted with the application identifies the appropriate mitigation measures required. This includes a system of on-site storage retention systems. The proposals have been assessed by the Lead Local Flood Authority who raise no objections to the proposals subject to conditions securing the mitigation measures. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF.

## **F Infrastructure (ULP Policy GEN6; GDNP SOS2; NPPF)**

Policy GEN6 seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight. Policy H9 sets out a requirement for 40% affordable housing and the policy is consistent with the NPPF and is given full weight. The Great Dunmow Neighbourhood Plan Policy SOS2 seeks to secure additional sports provision through a planning obligation..

The proposal includes the provision of 40% affordable housing and given the need for the district this element of the proposals is given significant weight. The proposal also incorporates substantial areas of public open space, approximately 50% of the site area. The public space includes the provision of a LEAP and recreational routes connecting to the existing public rights of way network. These provisions are partially to meet the requirements of the development and partially to form areas of softer development as mitigation for impacts on heritage assets. The mitigation measures includes retaining the views to heritage assets and reducing the impacts on the setting of heritage assets. In addition, the mitigation is required in order to reduce the recreational impacts on Hatfield Forest. Additional benefits are delivered for biodiversity and ecology. As such, this element of the proposals is given minimal weight. These contributions are considered to comply with the CIL Regulations.

Statutory consultees have identified the requirement for financial contributions should the development be approved in order to mitigate impacts. NHS England has stated a requirement for £59,040 to improve health facilities in Great Dunmow. ECC Education has identified that the proposals would increase the demand for Early Years and Childcare provision in the area and as such a financial contribution of £17,422 per place (10.35 spaces on the indicative mix) would be required. These mitigation measures could be secured by way of a s106 Legal Obligation if planning permission were to be approved. These contributions are considered to comply with the CIL Regulations.

ECC Education has identified that there is a significant shortfall of primary school places in Great Dunmow and all expansion options have now been exercised. A new school is required prior to there being any increase in capacity for primary education provision. Whilst planning permission has been granted for two schools in Great Dunmow the sites have not yet come forward. This proposal would result in an increased demand of 34.5 places at primary level which cannot be accommodated. Financial contributions are insufficient to mitigate the impacts due to the lack of capacity. However, if planning permission were to be approved then it would be essential to secure a contribution of £12,200 per place.

As discussed above, the site falls within the Zone of Influence for recreational impacts on Hatfield Forest. Natural England and the National Trust are currently consulting on a SAMMs strategy requiring financial contributions to off-set the impacts. At the present time it is the Council's view that this is a consultation document and has no identified timetable for adoption. Furthermore, the level of the financial contribution has not yet been set. Therefore, the request for the contributions does not meet the CIL Regulations at the present time. On other sites a clause has been included in s106 Legal Obligations requiring the financial contribution to be paid if the SAMMs is adopted at the time of implementation of the development. This could be an appropriate course of action here if planning permission were to be granted.

ECC Highways has identified mitigation measures that would be required to improve the sustainability of the development site. These include improvements to bus infrastructure, although it is noted that these serve the 313 route which is currently out for consultation to be deleted. However, a financial contribution is also sought for the emerging bus strategy for Great Dunmow which will provide a regular service to the proposed development. Therefore, in combination, the proposed mitigation measures are considered to comply with the CIL Regulations.

## **G Other material considerations**

On 10 January 2020 the Inspectors issued their findings on the Stage 1 examinations of the emerging Local Plan. This has raised significant concerns with regard to the proposed plan. In Paragraph 114 the Inspectors state that they consider that the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year housing land supply, until the Garden Communities begin to deliver housing. At the time of preparing this report the Council is considering its options with regard to the emerging Local Plan. In any event, the Inspector's letter relates to 'plan making' and not to the fact that all emerging small and medium sized sites should be granted planning permission. Decisions still need to be made on the planning balance.

## **12. PLANNING BALANCE**

<b>Policy</b>	<b>Proposals in accordance with policy?</b>	<b>Policy compliance with NPPF</b>	<b>Weight</b>
S7	Proposals do not comply with Policy S7	Partially compliant	Moderate
GEN1	Proposals would comply with Policy GEN1 with appropriate mitigation	Generally consistent	Moderate
GEN2	Proposals do not comply with Policy GEN2	Generally consistent	Moderate
GEN3	Proposals comply with Policy GEN3 with appropriate mitigation	Partly consistent	Limited
GEN6	Proposals comply with Policy GEN6 subject to the completion of a satisfactory s106 Legal Obligation	Generally consistent	Full
GEN7	Proposals would comply with Policy GEN7 with appropriate mitigation	Partially consistent	Moderate
ENV2	Proposals would result in less than significant harm to the setting of listed buildings at the lower end of the spectrum	Broadly compliant but NPPF requires a balancing exercise	Moderate
ENV4	Proposals could result in harm to archaeological deposits without mitigation	Broadly compliant but NPPF requires a balancing exercise	Moderate
ENV5	Proposals do not comply with Policy ENV5	Consistent	Significant

ENV7	Proposals would comply with Policy ENV7 with appropriate mitigation	Partially consistent	Limited
ENV10	Proposals would comply with Policy ENV10 with appropriate mitigation	Consistent	Significant
ENV14	Proposals would comply with Policy ENV14 with appropriate mitigation	Consistent	Significant
H1	Policy is one of a suite that establishes the spatial strategy for the district	Does not comply	No weight
H3	Policy is one of a suite that establishes the spatial strategy for the district	Generally consistent	Moderate
H9	Proposals comply with Policy H9 subject to the completion of a satisfactory s106 Legal Obligation	Consistent subject to robust evidence	Moderate
H10	Proposals are capable of complying with Policy H10, although a matter for reserved matters stage	Consistent if in accordance with local needs survey	Moderate
<b>Great Dunmow Neighbourhood Plan</b>			
DS1	Proposals fail to comply with Policy DS1	Consistent	Significant
DS13	Proposals are capable of complying with Policy DS13, although a matter for reserved matters stage	Consistent	Significant
LSC1	Proposals fail to comply with Policy LSC1	Consistent	Significant
GA1	Proposals are capable of complying with Policy GA1, although a matter for reserved matters stage	Consistent	Significant
GA2	Proposals are capable of complying with Policy GA2, although a matter for reserved matters stage	Consistent	Significant
GA3	Proposals comply with Policy GA3 subject to the completion of a satisfactory s106 Legal Obligation	Consistent	Significant

The proposals do not comply with the requirements of Policies S7, ENV2 and GEN2 which seek, inter alia, to protect the character of the area and the setting of listed buildings. The proposals also fail to comply with GDNP Policy DS1 which seeks, inter alia, to protect the rural setting of Great Dunmow. However, the NPPF requires planning applications for sustainable development to be favourably

considered and the benefits of the proposals need to be weighed against the harm identified.

The proposals would result in harm to the character and appearance of the countryside with the introduction of significant areas of built form, out of scale and keeping with the character of the rural area. The areas of built form will result in less than significant harm to a number of heritage assets at the lower end of the spectrum. Paragraph 196 of the NPPF requires this harm to be weighed against the public benefits of the proposals.

Mitigation is proposed through the proposed layout thus enabling some views to the heritage assets. However, overall there would be a significant change to the way in which the heritage assets are viewed and appreciated. The public benefits are the provision of new dwellings, including 40% affordable housing, both of which are afforded significant weight. The added protection of the Great Dunmow Neighbourhood Plan is not applied due to being more than 2 years old and the Council only having a 2.68 year housing land supply.

Other benefits from the proposal, such as infrastructure improvements or financial contributions, are mitigation measures to off-set the impacts of the proposals and are therefore given limited weight.

When taking the Framework as a whole, the benefits of the proposal are considered to not outweigh the harm to the character of the rural area and the setting of heritage assets. Therefore, it is recommended that the application be refused.

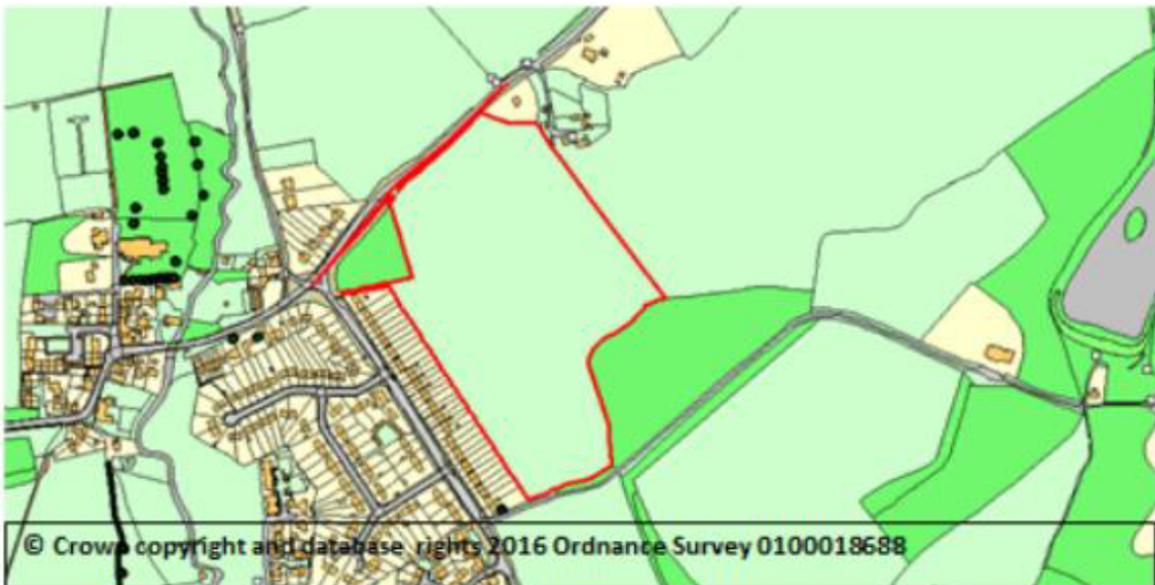
## **RECOMMENDATION – REFUSAL**

### **Refusal Reasons**

1. The proposal would result in the introduction of new built form at a rural fringe location situated outside the defined development limits. It would represent a separate physical area of considerable urban development within the countryside. The proposal would represent a form of development that does not need to take place and is not appropriate to this particular rural area. Furthermore, the proposal would fail to protect or enhance the character of the countryside within which it is set and no special reasons have been put forward as to why the development in the form proposed needs to take place there. The proposal is therefore contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted 2005), and Policies DS1 and LSC1 of the Great Dunmow Neighbourhood Plan. In view of this, the proposal would fail to amount to a presumption in favour of sustainable development as the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the proposal, including the supply of new housing in the tilted planning balance under paragraph 11 of the National Planning Policy Framework.
2. The proposal would result in the urbanisation of the rural area which makes a significant contribution to the setting of the Church End (Great Dunmow) Conservation Area, and the site provides a setting to and views of the Grade I listed Parish Church of St Mary the Virgin, and the grade II listed Crouches Farmhouse. The proposals would consequently result in adverse harm to heritage assets whereby the public benefits of the proposal would not outweigh the harm. The proposal would therefore be contrary to paragraph 196 of the National

Planning Policy Framework and ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

3. The proposal does not provide any mechanism to secure the infrastructure requirements arising from the development, including the need for financial contributions towards additional healthcare facilities, early years and childcare, and primary education requirements, the delivery of 40% affordable housing, the provision of open space and the subsequent maintenance of these areas, or improvements to sustainable transport options. The proposal is therefore contrary to the National Planning Policy Framework and ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).



Organisation:	Uttlesford District Council
Department:	Planning
Date:	31.01.2020