

**UTT/19/2354/OP – GREAT DUNMOW**

MAJOR

**PROPOSAL:** Outline application for the construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved

**LOCATION:** Land to the west of Buttleys Lane, Great Dunmow

**APPLICANT:** Linden Limited and Christine Vivien Winifred Clarke

**AGENT:** Mr S Metson, Bidwells

**EXPIRY DATE:** 14 January 2020 – Extension of time to 20 April 2020

**CASE OFFICER:** Mrs K Denmark

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**1. NOTATION**

- 1.1 Outside Development Limits  
Adjacent to SSSI – High Wood  
Adjacent to Ancient Woodland – High Wood  
Adjacent to listed building  
Adjacent to Flicht Way Local Wildlife Site

**2. DESCRIPTION OF SITE**

- 2.1 The application site is located on the southern side of Stortford Road (B1256) and to the west of Buttleys Lane. Buttleys Lane forms part of the National Cycle Network and links to the Flicht Way. The Flicht Way is located to the south of the site beyond the property known as Highwood Farm.
- 2.2 The site is relatively flat and is well screened. There is a barn conversion located to the south of the site and there is a low wall separating the site from the dwelling.
- 2.3 High Wood is located opposite the site and is a SSSI and an Ancient Woodland. Also located to the north of Stortford Road is land with consent for up to 790 dwellings. This planning permission was granted in 2015 and reserved matters have been approved for the spine road and a secondary access point. Reserved matters have only just been received for a small area of dwellings, located to the east around the properties known as Canada Cottages.
- 2.4 The land to the south of Stortford Road and to the east of Buttleys Lane is allocated for housing and a new secondary school. The Council is currently considering an application for residential development but, to date, no application has been made in respect of the secondary school allocation. To the west of the site is a fencing supplies yard.

**3. PROPOSAL**

- 3.1 The proposal relates to outline planning permission for up to 60 dwellings with all matters reserved except for access. Access is proposed to be from Stortford Road. A Diagrammatic Master Plan and an Illustrative Landscape Masterplan

have been submitted with the application. These indicate the access to be approximately at the mid-point of the site, opposite High Wood. Residential development would cover the majority of the site, with an area for SUDS and a wildflower grassland located in the south western corner of the site. An area of open space is shown to be located along the eastern boundary of the site and includes a proposed play area.

- 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.

- Air Quality Assessment
- Arboricultural Impact Assessment
- Archaeological Desk-based Assessment
- Built Heritage Statement
- Biodiversity Checklist
- Design and Access Statement
- Ecology Screening Report
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Noise Assessment
- Noise Constraints Assessment
- Phase 2 Ecological Surveys and Assessment
- Planning Statement
- Preliminary Arboricultural Report
- Transport Statement

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

The site is allocated in the emerging Plan under Policy GtDUN4 for the delivery of approximately 60 dwellings. This application seeks outline planning permission with all matters reserved except access for up to 60 dwellings in accordance with this Policy. As the emerging Plan was submitted for examination in January 2019, significant weight can be attributed to the policies within it.

Uttlesford District Council acknowledges that it cannot demonstrate a 5-year supply of deliverable housing sites in accordance with paragraph 73 of the NPPF and therefore paragraph 11d, which sets out a presumption in favour of sustainable development for decision makers, is applicable. This states that applications should be granted permission unless “the application of policies in the

Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or 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.”

The evidence prepared to accompany this application demonstrates that there are no clear reasons for refusing the application and there are no adverse impacts that would significantly and outweigh the substantial benefits that the application seeks to deliver. As such, the application should be approved in accordance with the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF.

## **6. RELEVANT SITE HISTORY**

6.1 There is no relevant site history in respect of this site.

## **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 Great Dunmow Town Council (GDTC) strongly objects to this planning application, which conflicts with the Gt Dunmow Neighbourhood Plan (GDNP). GDTC has objected to the inclusion of the site in the eULP.

1) An unsustainable location due to its remoteness from the town. Nearest amenities are Tesco, 1km from the site, and Gt Dunmow Primary school 1.2km away. Bus stops are 900m away, near the Tesco store. The 313 bus service does not pass the site and is under threat of complete withdrawal in 2020.

Future amenities of unbuilt development cannot be relied upon:

a) Land West of Woodside Way, permission granted in 2015 and unbuilt (so the school has not come forward and temporary classrooms are used elsewhere)  
b) Land South of Stortford Road, proposal and housing allocation in the eULP (uncertainty over the secondary school move).

2) Unacceptable impact on High Wood SSSI of ecological and landscape harm, is in conflict with GDNP Policy NE1

The sites and their settings, are to be protected, and any development which impacts on them must contribute to rather than detract from their biodiversity and setting value.

The impact on air quality and light pollution is exacerbated by the access directly facing the SSSI woodland. Light pollution from cars entering and leaving the development would cause maximum harm, as would emissions from queuing traffic.

3) Unacceptable urban sprawl; the proposal is outside the GDNP Policy GD1 Town Development Area and is therefore in the countryside, contrary to ULP S7. The supporting text of the DS1 policy stipulates that a high local priority should be given to constrain urban sprawl which would destroy the rural setting and character of the town and parish.

Land South of Stortford Rd is intended to provide a new western edge to the town with playing fields protecting the rural setting of the market town. Retaining a visual gap between settlements has been a reason for refusal in the past, for example: APP/C1570/A/14/2213025 para 9.8. the Inspector identified the gap as important in providing some physical and visual separation between the built-up areas of the two settlements and preventing an impression of them merging together.

4) Taking into account the planned growth of the town, adding 60 homes on a remote site to the far west of the town is neither desirable nor deliverable. There are approximately 1,900 homes with planning consent in Gt Dunmow. In the eULP (without the West of Buttleys Lane proposal) adds a further 700 homes. Without prejudice, a financial contribution should be made towards the local bus service:

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.

There would also be a need to provide safe pedestrian/cycle crossing of the Stortford Road for access to the Flitch Way linear country park.

## **9. CONSULTATIONS**

### **Essex Police**

- 9.1 There is insufficient detail within this application for us to make a comment on at this time.

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.

### **MAG London Stansted Airport Safeguarding**

- 9.2 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

We have no aerodrome safeguarding objections to the outline proposal subject to the following Condition:

- No development to take place until confirmation is given to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport, that the SuDs retention basin has a drain down time to dry of less than 3 days and that there will be no permanent water feature.  
Reason: Flight safety – Birdstrike avoidance

### **ECC Archaeology**

- 9.3 The proposed development area is known to contain potentially significant archaeological remains. It is located within a known area of cropmark evidence indicating a number of potential prehistoric and medieval features (EHER 14075). To the north of the proposed development is the Roman road of Stane Street (EHER 1226, 4698). Medieval coins and Bronze Age pottery has been identified just south of the proposed development (EHER 45330, 54973).

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

### **National Trust**

- 9.4 Principle of Development

The National Trust supports the delivery of new housing through a plan-led system. It is noted that the site is not allocated in the adopted Local Plan (2005) but is proposed to be allocated in the emerging Local Plan which was submitted to the Secretary of State in January 2019. The allocation of sites has yet to be

subject to public examination and therefore there are limitations to the weight that can be given to the acceptability of the development of this site.

### Impact of the Development on Hatfield Forest

It is considered that the impacts of the development on Hatfield Forest should be addressed, in accordance with Para.175 of the National Planning Policy Framework. The proposed development falls within the 14.6km Zone of Influence (ZOI) identified in the Footprint Ecology report (where the majority (75%) of visitors arrive from). Accordingly, Natural England has updated its SSSI Impact Risk Zone (IRZ) to reflect this. This requires LPA's to consult Natural England on likely risks from proposed residential developments of 50 dwellings or more. This ZOI should be used to assess the impacts of future allocations for residential development in Local Plans, and planning applications for new residential developments, on Hatfield Forest SSSI and NNR. It is evident that new housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest.

### Mitigation

It is noted that the applicant acknowledges that the site falls within the ZOI and has had regard to the aforementioned advice issued by Natural England. Accordingly, it is stated that a contribution towards mitigation at Hatfield Forest is proposed (Phase 2 Ecological Surveys and Assessment, Table 11: Summary of Mitigation and Enhancement Measures and Residual Effects). However, this has not been discussed with the National Trust.

The National Trust also considers that in order to help mitigate impacts upon Hatfield Forest, well-designed on-site green infrastructure and public open space should form an integral part of the development.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust is currently working in consultation with Natural England on a costed mitigation strategy (Strategic Access Management Measures (SAMM)). Once a package of costed measures has been finalised, a tariff will be formulated (in accordance with best practice for other strategic solutions across the country) to ensure proportionate financial contributions for mitigation can be secured. In the meantime, Natural England has requested that bespoke mitigation packages are negotiated on a case by case basis.

For the proposed development we consider the following mitigation would be appropriate:

#### On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
- Any other on-site mitigation as advised by Natural England.

#### Off-Site Mitigation

- A financial contribution of £9,000 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

### **Natural England**

#### 9.5 NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest has been notified through recreational impacts

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) & National Nature Reserve (NNR) has been notified.

Natural England is working alongside Uttlesford District Council and the National Trust in the development of a strategic solution for new residential developments within the 14.6km Zone of Influence (Zol). This application falls within the currently defined Zol for recreational impacts and therefore new housing from the largest projects will be expected to contribute towards mitigation measures, in this case a proportionate financial contribution, towards Strategic Access Management Measures (SAMMS) at Hatfield Forest SSSI / NNR. The Council is referred to our letter of 24th September 2019 for further details.

We advise that, once agreed, this contribution is secured within a suitably worded s106 legal agreement or other obligation and is attached to any planning permission to enforceably secure these measures.

The proposal may also

- damage or destroy the interest features for which High Woods Dunmow SSSI has been notified, through dust deposition.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- The mitigation measures set out in the Air Quality Assessment and Phase 2 Ecological Assessment need to be secured through appropriate conditions.

We note that the effect of new road traffic volumes on High Woods Dunmow SSSI, in the operational phase, are not described in the Air Quality Assessment. We would like further information in this regard, to enable the report to fully assess its impacts to nearby SSSIs.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures, but please note the further information requested for High Wood Dunmow SSSI should be provided prior to planning determination.

2<sup>nd</sup> response:

#### **NO OBJECTION**

Based on the Technical Addendum submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated

sites High Wood, Dunmow SSSI and has no objection on Air Quality Grounds. However our previous advice regarding other aspects this proposal still stand.

### **ECC Education**

- 9.6 Proposals will generate the need for up to 5.4 Early Years and Childcare places, 18 primary school, and 12 secondary school places.

Early Years and Childcare – no contribution required.

Primary – Current 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.

Secondary: Helena Romanes 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.

Financial contributions using the formula should be secured.

### **Thames water**

- 9.7 We have been unable to determine the waste water infrastructure needs of this application. Request a condition.

### **Housing Enabling Officer**

- 9.9 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 60 (net) units. This amounts to 24 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 3 bungalows across the whole site delivered as 2 affordable units and 1 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.

	1 bed	2 bed	3 bed	4 bed	Totals
Total affordable units	4	11	9	0	24
Affordable Rent	3	8	6	0	17
Shared Ownership	1	3	3	0	7
Number affordable bungalows					2

### **ECC Ecology**

#### **9.9 No objection subject to securing biodiversity mitigation and enhancement measures.**

We have reviewed the Phase 2 Ecological Surveys and Assessment (SES, August 2019) and Ecology Screening Report (August 2019) relating to the likely impacts of development on designated sites, protected species and priority species & 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.

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.

The mitigation measures identified in the Phase 2 Ecological Surveys and Assessment (SES, August 2019) and Ecology Screening Report (August 2019) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species. These should be further detailed in a Construction Environmental Management Plan which should be secured as a condition of consent.

The Construction Environmental Management Plan should also include detailed mitigation methods for the protection of High Woods Site of Special Scientific Interest and Flitch Way Local Wildlife Site, both of which are adjacent to the site.

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 prior to slab level. This should be detailed include the provision of bird and bat boxes and include the provision of wildlife friendly fencing.

## **Highways**

- 9.10 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.

When reviewing this application the context of the surrounding area and committed development have been taken into account. Of most importance was ensuring that the scheme would be connected to the surrounding area and future development. Therefore a controlled crossing has been required to allow pedestrians and cyclists to access the footway/cycleway on the northern side of the A1256 which provides a link to the town. In addition, an equestrian crossing is required which links the bridleway 33 (Great Dunmow) with Buttleys Lane and on to byway 34 (Great Dunmow) and the Flitch Way. In addition, in order to improve public transport connections, bus stops are required to serve the site as well as a contribution to local bus services. These contributions are being pooled with contributions from other new developments to deliver a strategy which supports local and in the longer term strategic services.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject mitigation measures being secured by way of a s106 Legal Obligation and conditions:

## **Environmental Health Officer**

- 9.11 Noise:

The application is supported by a noise assessment undertaken by REC Ltd. It states that Environmental Health at Uttlesford DC were emailed with a proposed methodology which included scoping out the fencing supply premises immediately to the west of the site. This was suggested as 'no noise was audible from its operations', although no clarification is given on this statement. The email states that no response was received regarding the proposals and that the methodology was therefore deemed suitable and robust.

We would normally expect to see a thorough and robust examination of the activities and operations on any commercial site, followed by measurements quantifying any noise emanating from the premises in line with BS4142:2014. This has not been done on this occasion. The fencing supply business is open from 0730 -1700 Monday to Friday and 0800 -1300 on Saturdays and deliveries and the moving of materials around the yard will cause noise with reversing beepers etc. However, there is considerable noise from the nearby road network and the building on the commercial site will afford some screening to the main yard area. Mitigation measures have also been recommended for traffic.

Based on the above, and given the email, I raise no objection to the proposals on noise grounds subject to a condition.

### Air Quality:

The application is also supported by an air quality assessment which deals with air quality issues both during the construction and operational stages. The report concludes that operational air quality impacting on any future occupiers and the effects of air pollution generated by future occupiers (and other committed developments in the vicinity) on the road network will not be significant and I am in agreement with this conclusion.

The report also concludes that should control measures be in place during construction then air quality impacts from dust generation/traffic etc would also be not significant. I also agree with this conclusion and recommend that a condition is placed on any decision notice requiring a Construction Environmental Management Plan should you be minded to grant approval. This management plan should consider dust but also include other matters such as noise and light.

## **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 4 December 2019.

- Contrary to Neighbourhood Plan
- Existing infrastructure cannot cope
- Impacts on listed buildings
- Impacts on highways
- Outside development limits
- Reliance on the private car
- Unfulfilled planning consents that should be developed first
- Impact on vista of rural area on entering Dunmow
- Impact on Flitch Way
- Request amendments to site layout to accommodate users of the bridleway
- Request financial contribution towards providing safe links to the Flitch Way
- Need safe crossing point from site to the bridleway alongside High Wood
- Errors in the Transport Statement – there have been accidents and there are 3 properties on Buttleys Lane

## **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, NE2, DS13; NPPF)
- B Impact on heritage assets (ULP Policies ENV2, ENV4; NPPF)
- C Highways (ULP Policy GEN1; GDNP GA1, GA2, GA3 NPPF)
- D Noise (ULP Policy ENV10; NPPF)
- E Ecology (ULP Policies GEN7, ENV7; NPPF)
- F Flood risk and groundwater protection (ULP Policies GEN3; NPPF)
- G Infrastructure (ULP Policies GEN6, H9; GDNP SOS2; NPPF)
- H 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, NE2, 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.

GDNP Policy NE2 seeks to promote the enhancement of woodland and wildlife corridors. The north eastern corner of the site is located within the Flitch Way Wildlife Corridor, as identified in Figure 10 of the Plan. This links High Wood SSSI and Ash Grove and Olives Wood, passing through the Flitch Way.

- 11.8 The proposal would introduce a significant amount of new built form within the open countryside. The site has no special landscape designation, and is relatively enclosed by existing hedging, although glimpses of the listed buildings to the south of the site are possible from a couple of vantage points. The site is isolated from other substantive development on the southern side of Stortford Road, although it has a partial relationship with the site to the north of Stortford Road, known as west of Woodside Way, where outline planning permission has been granted for 790 dwellings. A reserved matters application for the first phase of residential development has now been submitted, and this follows on from two reserved matters applications in respect of access points and the spine road. In respect of land to the south of Stortford Road located to the east of the application site, Essex County Council is currently dealing with proposals for a through-school (combined primary and secondary) on the site immediately to the east. Further east the Council is currently considering (at the time of preparing this report) a hybrid application for 400 houses and associated infrastructure. If these development proposals are successful the character in this location would be significantly altered. It should be noted that both of these sites are included in the Great Dunmow Neighbourhood Plan as allocations for the proposed uses applied for.
- 11.9 The application is accompanied by an Illustrative Landscape Masterplan indicating the potential layout approach for the proposed development. This demonstrates a central point of access and a central spine road, proposed to be a tree lined avenue. A landscape buffer is proposed around the edges of the site, forming part of a walking circuit within the site. The south western corner of the site is indicated as being open space and the location of the sustainable drainage system. An area of amenity green space is proposed to be located adjacent to the eastern boundary, incorporating a play area.
- 11.10 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), assessing the potential impacts of the proposals on the character of the area. This assessment is undertaken in the context of the approved development to the north of the site (approved under UTT/13/2107/OP).
- 11.11 The site is identified as being relatively flat but not having any special landscape designations, which is correct. The LVIA acknowledges that the site is close to a

number of heritage and natural assets, including High Woods SSSI and the link to the Flitch Way and other public rights of way. The proposals were assessed within a 2.5km zone of influence, although given the very enclosed nature of the site the identified receptors were in fact in very close proximity to the site, with the furthest being 0.65km, the bridge on the B1256 over the A120 where road users would be the principal receptors.

- 11.12 The landscape has been assessed as being of a medium landscape quality, and the value of the landscape is also assessed as being medium. The landscape has a medium sensitivity to change. The proposals are assessed as having a medium magnitude of impact on the landscape and thus the overall weighted assessment of landscape effect is judged as moderate. The most significant changes would be to the road users and users of the public rights of way along Stortford Road and Buttleys Lane, road users at the B1256 junction at Easton Lodge Gatehouse, and the setting of Highwood Farm, where the overall visual effects would be moderate – minor. There would be moderate visual effects for users of the public right of way to the east side of High Wood. The officer is of the view that this is a comprehensive assessment and agrees with the findings.
- 11.13 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.
- 11.14 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 60 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.
- 11.15 The proposal would result in the loss of around 2ha of predominantly grade 2 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.
- 11.16 Policy NE2 of the GDNP identifies Wildlife Corridors and the north eastern corner of the site falls within the Flitch Way wildlife corridor. The policy seeks to secure improvements for wildlife within the corridor by way of tree corridors and open space, which should be secured by way of a s106 Legal Obligation.

The proposals include the provision of a tree lined spine road through the middle of the site. This enables the connection of the two areas of open space being located in the south western corner of the site and along the eastern boundary of the site. The improvements to the biodiversity of the site would deliver the ecological and biodiversity net gains as required by paragraph 170 of the NPPF and the aims of Policy NE2. The open space can be secured by way of a s106 Legal Obligation.

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

- 11.17 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.
- 11.18 The proposal is located in close proximity to Highwood Farm, a Grade II listed building, and a barn at Highwood Farm, now converted to a residential dwelling. The other important heritage asset in close proximity are the Gatehouse to Easton Lodge, located to the north west of the site adjacent to the B1256. These buildings are identified in the Built Heritage Assessment accompanying the application.
- 11.19 The Assessment identifies that the proposals are likely to result in less than substantial harm at the heritage assets. This is set at a moderate level of harm to heritage assets at Highwood Farm. The level of harm in the spectrum isn't identified for the Gatehouse at Easton Lodge, but given the relationship between the site and that asset it is officer's view that this would be at the lowest end of the scale.
- 11.20 Paragraph 196 of the NPPF requires the public benefits of proposals to be weighed against the less than substantial harm, and this will be considered further in the planning balance later in the report.
- 11.21 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.
- 11.22 The application is accompanied by an Archaeological Desk Based Assessment. This identifies that the proposals could have a moderate to high potential impact of local significance on assets from the Iron Age and Roman and Medieval periods. Mitigation in the form of further investigation by way of a geophysical survey and archaeological evaluation trial trenching is recommended, which could be secured by way of a condition.

- 11.23 The County Archaeologist has identified that the site lies within a potentially sensitive area of heritage assets. The proposed development area is known to contain potentially significant archaeological remains. It is located within a known area of cropmark evidence indicating a number of potential prehistoric and medieval features (EHER 14075). To the north of the proposed development is the Roman road of Stane Street (EHER 1226, 4698). Medieval coins and Bronze Age pottery has been identified just south of the proposed development (EHER 45330, 54973).
- 11.24 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)**

- 11.25 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.
- 11.26 The proposals are indicated to have one point of access onto the B1256, Stortford Road. 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.
- 11.27 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, and seeks to ensure the linkages between existing elements of the public right of way network. As part of the strategy the scheme is required to deliver a crossing point for pedestrians and cyclists across the B1256, plus an equestrian crossing to link the bridleway and Flitch Way. In addition, a financial contribution towards public transport and the provision of bus stops in the vicinity of the site. These mitigation measures can be secured by way of s106 Legal Obligation if planning permission were to be granted.
- 11.28 Other requirements for improvements to infrastructure that would be required in order to secure sustainable transport options would be the provision of a 3m stretch of bridleway to provide the connectivity, a 2m wide footway to bus stops, plus the provision of bus stops. 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 Noise (ULP Policy ENV10; NPPF)**

- 11.29 Policy ENV10 seeks to protect noise sensitive development, such as housing, from existing external noise sources. This policy is consistent with the NPPF and has significant weight.
- 11.30 The application is accompanied by a Noise Assessment to assess the impacts of the nearby A120 on the proposed development. It also assesses the potential impact of construction noise. The Noise Assessment includes assumptions, one of which is the fact that there will be a 2.4m high barrier erected along the northern and southern boundaries of the site. A further assumption is that all gardens will include a 1.8m solid timber fence.
- 11.31 The results of the Noise Assessment indicate that, with appropriate mitigation such as higher specification glazing and alternative ventilation the appropriate internal living conditions can be met. In addition, with the boundary fences in place, appropriate external noise levels can be achieved.
- 11.32 The Environmental Health Officer has reviewed the Noise Assessment and raises some concerns about the fact that noise levels from the adjacent fencing business have not been assessed. However, it is noted that a case was made to scope this out of the assessment and no response was given to this.
- 11.33 In terms of noise impacts from the A120, the Environmental Health Officer raises no objections to the proposals, subject to the mitigation measures in the report being secured by condition. The applicant has since confirmed that the recommended mitigation measures are worst case and much will depend on the orientation of the houses at reserved matters stage. In any event, it is possible to secure appropriate mitigation measures by way of condition.
- 11.34 In terms of construction noise, the assessment has been carried out having identified that the nearest noise sensitive receptor is the dwelling to the south of the site. The assessment has been carried out with the assumption of the standard working day of 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays. The Environmental Health Officer has recommended a Construction Environmental Management Plan be secured by way of condition.

**E Ecology (ULP Policies GEN7, ENV7; NPPF)**

- 11.35 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.
- 11.36 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.
- 11.37 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 application is accompanied by an Ecology Screening Report and Phase 2 Ecological Surveys and Assessment.

- 11.38 The Assessment identifies the potential impacts on protected species and the appropriate mitigation measures that should be incorporated into the development proposals. This includes biodiversity net gains, as required by paragraph 170 of the NPPF.
- 11.39 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.
- 11.40 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.
- 11.41 This issue is also addressed by the National Trust in their response. However, their response also notes that the SAMMS tariff has not yet been agreed. They have required that both on-site and off-site mitigation will be required. On-site mitigation taking the form of high quality, informal semi-natural areas would be required, and this is identified in the proposals on the Illustrative Landscape Masterplan. In addition, they request a financial contribution of £9,000 for off-site mitigation towards visitor and botanical monitoring and mitigation works. The request for a financial contribution is also made by Natural England in their response.
- 11.42 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. At a recent appeal the Inspector stated that as the document is still in draft there was very limited detail on the contribution that would be sought and it would not pass the necessary CIL tests. Therefore, this request cannot be secured as part of the s106 mitigation package.

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

- 11.43 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.
- 11.44 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.

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

- 11.45 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.
- 11.46 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 areas of public open space, including the provision of a local area of play. The public space includes the provision of 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. 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.
- 11.47 The Highway Authority has identified the requirement for a financial contribution for public transport and this is in accordance with the policy requirements. Other mitigation measures in the form of crossing points, public rights of way connections and bus stops are also required, as well as the relocation of the 40mph zone. 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.
- 11.48 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 18 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 £15,281 per place.
- 11.49 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. It is noted that a request for a financial contribution pending the outcome of the SAMMS consultation is also made relating to off-site mitigation towards visitor and botanical monitoring and mitigation works. However, 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, but is one that the applicant does not support given the fact that the request fails the CIL tests.

**H Other material considerations**

11.50 At the time of submission of this application, the site was identified in the emerging Local Plan as a site for development to meet the District’s housing needs. However, in the interim the emerging Local Plan has now been withdrawn. Therefore, any consideration of the proposals in the accompanying material in respect of the emerging plan can no longer be taken into consideration. The proposals must therefore be considered in respect of the adopted Uttlesford Local Plan and national planning policy.

**12. PLANNING BALANCE**

12.1

<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
NE2	Proposals comply with Policy NE2 subject to a s106 Legal Obligation securing the open space to the eastern side of the site	Consistent	Significant

- 12.2 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.
- 12.3 The proposals would result in moderate harm to the character and appearance of the countryside with the introduction of new areas of built form, currently seen as remote from other development. However, it is noted that the development area to the north is currently coming forward with the submission of reserved matters

applications and work commencing on the spine road. In addition, sites to the east are the subject of current applications, although it is acknowledged that these have not yet been determined. Notwithstanding this, these sites are the subject of allocations in the Great Dunmow Neighbourhood Plan and would accord with the principle of development on these sites. The proposals would result in less than significant harm to a number of heritage assets at the moderate level of harm to the assets at Highwood Farm by the applicant, and at the lower end of the spectrum by officers. Paragraph 196 of the NPPF requires this harm to be weighed against the public benefits of the proposals.

- 12.4 Mitigation is proposed through the proposed layout, with a landscape buffer to the Highwood heritage assets. 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.
- 12.5 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.
- 12.6 When taking the Framework as a whole, the benefits of the proposal are considered to outweigh the harm to the character of the rural area and the setting of heritage assets. Therefore, it is recommended that the application be approved.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS AND S106 LEGAL OBLIGATION**

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**

- (i) Provision of 40% affordable housing**
- (ii) Provision of open space, including an area of play, plus maintenance contribution**
- (iii) Primary education financial contribution (£12,200 per pupil place)**
- (iv) Bus service financial contribution (£1,595 per dwelling)**
- (v) Highway improvements**
  - Pegasus crossing on the B1256 to link public right of way 33 on the northern side of B1256 to proposed bridleway on southern side of B1256**
  - Toucan crossing to link public right of way 33 and cycleway on the northern side of B1256 to proposed bridleway and footway on southern side of B1256**
  - 3m bridleway of minimum effective width of 3m**
  - A footway extending from development access to proposed bus stop to west and Buttleys Lane to east**
  - Provision of new bus stops, one to northern and one to southern side of B1256**

- Relocation of 40mph speed limit
- (vi) Pay Councils reasonable costs
- (vii) Pay monitoring costs

**(II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below:**

**(III) If the freehold owner shall fail to enter into such an obligation by 3 August 2020, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**

- (i) Lack of provision of 40% affordable housing
- (ii) Lack of provision of open space, including an area of play, plus maintenance contribution
- (iii) Lack of primary education financial contribution (£15,281 per pupil place)
- (iv) Lack of bus service financial contribution (£1,595 per dwelling)
- (v) Lack of highway improvements
  - Pegasus crossing on the B1256 to link public right of way 33 on the northern side of B1256 to proposed bridleway on southern side of B1256
  - Toucan crossing to link public right of way 33 and cycleway on the northern side of B1256 to proposed bridleway and footway on southern side of B1256
  - 3m bridleway of minimum effective width of 3m
  - A footway extending from development access to proposed bus stop to west and Buttleys Lane to east
  - Provision of new bus stops, one to northern and one to southern side of B1256
  - Relocation of 40mph speed limit

1. Approval of the details of layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before the mixed use employment development commences and the development must be carried out as approved.

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

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

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

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

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

4. No development to take place until confirmation is given to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport, that the SuDs retention basin has a drain down time to dry of less than 3 days and that there will be no permanent water feature.

REASON: The use of this pre-commencement condition is required in the interests of the safe operation of the aerodrome and to ensure the risk of bird strike is reduced, in accordance with Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosive Storage Areas and the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

5.
  1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
  2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.
  3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
  4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interests of preserving archaeological deposits in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

Justification: The proposed development area is known to contain potentially significant archaeological remains. It is located within a known area of cropmark evidence indicating a number of potential prehistoric and medieval features (EHER 14075). To the north of the proposed development is the Roman road of Stane Street (EHER 1226, 4698). Medieval coins and Bronze Age pottery has been identified just south of the proposed development (EHER 45330, 54973).

6. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
  - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the

infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 2.7l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes,
- FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

REASON: In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

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

Justification: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

8. Prior to the first residential occupation of the development hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the

maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. Subsequently, the development shall be carried out strictly in accordance with the approved maintenance arrangements.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework.

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

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

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

10. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Phase 2 Ecological Surveys and Assessment (SES, August 2019) and Ecology Screening Report (August 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person eg an ecological clerk of works (ECoW), to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority species and to allow the local planning authority to discharge its duties under the UK Habitats and Regulations, The Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the National Planning Policy Framework.

10. In conjunction with the details to be submitted in accordance with condition 2 above, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)

- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs

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

REASON: To conserve and enhance Protected and Priority species and to allow the local planning authority to discharge its duties under the UK Habitats and Regulations, The Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the National Planning Policy Framework.

11. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the first residential occupation of the development hereby permitted.

The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer or successor in title with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To allow the local planning authority to discharge its duties under the UK Habitats and Regulations, The Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the National Planning Policy Framework.

12. In conjunction with the details to be submitted in accordance with condition 2 above, a lighting scheme for biodiversity shall be submitted to and approved in

writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans) Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

REASON: To allow the local planning authority to discharge its duties under the UK Habitats and Regulations, The Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the National Planning Policy Framework.

13. The details to be submitted pursuant to condition 2 above shall include full details of the noise mitigation measures required, as set out in the recommendations identified in the REC Ltd report (Ref: AC107020-1r4) dated September 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: In order to provide adequate residential amenity for the future occupiers of the dwellings in accordance with Uttlesford Local Plan Policy ENV10 (adopted 2005) and the National Planning Policy Framework.

14. No development shall take place, including any ground works or demolition, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall detail:
- i. The control of noise from construction including hours of working
  - ii. Measures to control the emission of dust and dirt during construction
  - iii. The details of lighting, including times of operation during construction

REASON: To protect the amenity of surrounding residential premises in accordance with Uttlesford Local Plan Policies GEN2 and GEN4 (adopted 2005) and the National Planning Policy Framework.

15. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody cleaning facilities
  - v. Before and after surveys of highway and verge surrounding site and subsequent repair of any damage to the highway (including verges) caused by vehicles associated with construction.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the National Planning Policy Framework.

16. Prior to first residential occupation of the development hereby permitted a ghosted right hand access as shown in principle on submitted drawing SK10 REV A dated 10/06/2020 but also including a cycleway/footway of minimum effective width of 3m to link the access to the proposed Toucan crossing and bridleway shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 161 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

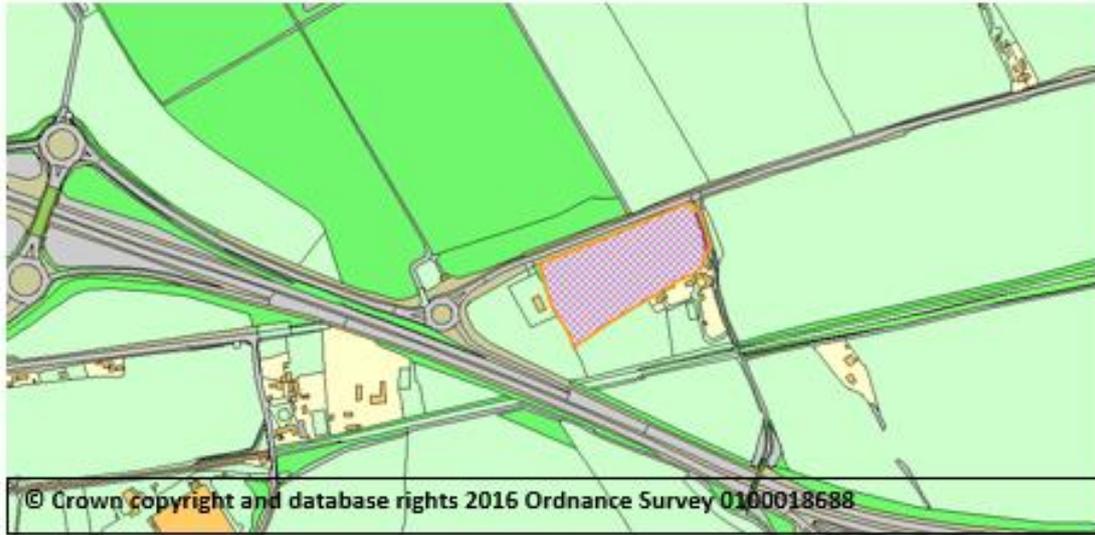
18. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework.

UTT/19/2354/OP



Organisation: Uttlesford District Council

Department: Planning

Date: 21 APRIL 2020