

UTT/19/1789/FUL

MAJOR

PROPOSAL: Residential development comprising 14 dwellings (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure

LOCATION: Land At Pound Hill, Little Dunmow

APPLICANT: Enodis Group Ltd.

AGENT: G L Hearn Ltd.

EXPIRY DATE: 04.11.2019 (Extension of time agreed until 26.03.2021)

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 ULP: Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site comprises an overgrown strip of undeveloped scrubland consisting of 1.25 hectares which fronts onto Pound Hill (Station Road) between Little Dunmow village and Flitch Green. The site has a gentle fall from front to rear. A row of five pairs of semi-detached post-war local authority constructed dwellings with long back gardens (Pound Hill Villas) stand within an exposed frontage position along the hill to the immediate east of the site as it descends down sharply on a gradual bend towards Flitch Green, whilst three listed thatched cottages stand on level ground to the immediate west of the site beyond a farm track leading to gently rolling farmland behind the site. A further dwelling stands on the north side of Pound Hill opposite the track entrance, whilst a replacement UDC social housing scheme (The Moors) is in the process of being constructed on the corner of Pound Hill and The Street.

3. PROPOSAL

3.1 This full application relates to the proposed residential development of the site for the erection of 14 no. dwellings and garages, three of which would be affordable, new vehicular access and rear service road, public open space, associated hard/soft landscaping measures and sustainable drainage system. The scheme has been reduced in size from 18 no. dwellings to 14 no. dwellings as now proposed following negotiations which have taken place between Council officers and the applicant's planning agent during the course of the application submission.

3.2 The application is accompanied by the following reports to inform the application proposal which have been revised following the submission of revised drawings:

- Planning and Consultation Report

- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Arboricultural Implications Assessment and Method Statement
- Ecological Appraisal
- Heritage Statement
- Archaeological Desk Based Assessment
- Transport Statement
- Residential Travel Plan
- Utilities Assessment
- Phase 1 Contaminated Land Assessment

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The applicant's covering letter dated 22 December 2020 sets out the various drawing revisions which have been made to the design and layout of this proposed housing scheme since the application was first submitted, including the reduction in the number of dwellings for the development from 18 no. residential units to 14 units, the removal of a frontage terraced row of dwellings for the scheme at the Council's request as originally shown in favour of detached and semi-detached units, subsequent layout revisions and the reinstatement of the proposed landscaped attenuation basin to the western end of the development.

- 5.2 The revised Planning and Consultation Statement concludes as follows:

- The application is accompanied by a full set of plans and technical documents which demonstrate that the scheme is acceptable in principle and in detail in relation to structural landscape and access.
- It is acknowledged that the proposed development site is situated beyond defined settlement limits as defined in the Adopted Uttlesford Local Plan (January, 2005) and is therefore considered to be situated within the Countryside. However:
 - (i) An Appeal Decision has granted permission for a greater quantum of development at the application site.
 - (ii) The Adopted Uttlesford Local Plan is out of date by way of time expiry – the plan period ran to 2011.
 - (iii) Relevant policies for the supply of housing are out of date; and
 - (iv) The Council are unable to demonstrate five years' worth of housing land supply.
- As a result of these three key issues and in line with the recent Supreme Court judgement *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates v Cheshire East Borough Council [2017] UKSC 37*, paragraph 11 of the NPPF is engaged.

- Consequently in this case, the planning balance should be tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects. The revised proposal has significantly improved the design quality of the scheme and addresses the comments made by yourselves and consultees.
- The proposed development provides significant benefits in the form of 14 much needed homes in Uttlesford, 21.5% of which are to be affordable homes, which can importantly be delivered within the next five years, contributing to the current supply shortfall of over 1,000 homes to 2020/21. The revised proposal maintains a policy compliant quantum of affordable housing at a more suitable development density in regard to the context of the application site.
- As a result of the landscape-led approach to the design of the submitted proposal and extensive pre and post-application consultations with Uttlesford District Council, Little Dunmow Parish Council and the local communities, the application will deliver:
 - *Housing* – The development includes the delivery of 14 homes, 21.5% of which are to be affordable homes. This will contribute to the Council’s five year housing land supply shortfall as the proposed development site is considered deliverable, i.e. it is available now, achievable with a realistic prospect of being delivered within five years and suitable, in line with the NPPF definition.
 - *Landscaping* – The proposed development would complement the existing scale, historic settlement layout and linear development pattern without adverse effects on the wider countryside character. The site provides a soft defensible edge for the settlement boundary to the south and both the orientation of the proposed built form, access points and open space provide a defensible boundary to the countryside to the south and define the settlement boundary.
 - *Biodiversity* – Enhancement of the site boundaries, as proposed through the detailed structural landscaping, has the potential to enhance the site as a commuting route for protected species. A sensitive lighting scheme will encourage the use of new landscaping, boundary features and protected species features within the site. The Landscape Planting Plan targets locally native and important plant species for the area’s wildlife, which are likely to result in a net biodiversity gain from the proposed development.
 - *Design* – The design code submitted with the planning application will ensure that the proposed development accords with the rules set out in the Code. The design code will contribute to ensuring that the future design of the scheme is in keeping with the surrounding character of the village of Little Dunmow. The revised proposal also adheres to the majority of guidelines set out in the Essex Design Guide.
- We consider that the benefits of the scheme which are set out above, with emphasis on the early delivery of much needed homes in the District, outweighs any localised impact resulting from developing built form on

Greenfield land and the balance should be tilted in favour of granting this application, in line with the NPPF (paragraph 11).

- In conclusion, in the words of the Planning Inspector (27th October 2017) at the Inquiry at Land West of London Road, Newport (paragraph 77), where the site was described as fallow agricultural land located in the countryside, contained by ribbon development adjacent to the village with a mature tree belt separating the site from the countryside, i.e. notably similar to the proposal site in this instance:

“It is only through the approval of sites such as this, that the Council will be able to improve its five year supply position”.

- For the reasons set out in this Statement, this application is commended and it is requested that planning permission be granted for the proposed development.

6. RELEVANT SITE HISTORY

6.1 Outline planning permission with all matters reserved except access and structural landscaping for the residential development of the site comprising 18 no. dwellings (use class C3), vehicular accesses, public open space, sustainable drainage systems, associated hard and soft landscaping works and infrastructure was refused by the Council on 13 December 2018 (UTT/18/0440/OP refers – Enodis Group Limited) for the following stated reason:

- 1 The indicative development, in particular the indicative layout, would result in an overdevelopment which would create a non-linear and cramped development that would result in an adverse impact on the frontage street scene and visually impact into the open space beyond contrary to Uttlesford Local Plan Policy GEN2.

6.2 The indicative site layout plan for that proposed development showed a new service road accessing from Pound Hill close to the western end of the site running then parallel behind the existing highway which would serve a line of dwellings set back deep from the road frontage leading to a spur road coming off at right angles at the eastern end of the development to serve in turn a further two opposing rows of dwellings. A narrow landscaping/public open space strip was shown between the highway and the service road, whilst a landscaped attenuation basin was shown at the site’s western end.

6.3 The delegated officer report for the submitted application remarked that the site was situated reasonably close to local services located within the surrounding settlements (a reference notably to those services and facilities available in Flich Green) whereby a pavement existed outside the site leading towards The Moors and the village nucleus of Little Dunmow and also towards Flich Green in the other direction. The report summarised the planning merits of the submitted scheme as follows;

“The applicant is considered to have established the principle of development for the site. There are no issues relating to highways or biodiversity within the site subject to conditions. The layout is not acceptable due to the visual incursion into the countryside. A linear development is preferred. The layout mix does not accord with the Council’s requirements, in particular the need for at least one dwelling to be an accessible bungalow”, concluding that, “The proposal is not

in accordance with national and local planning policies and so it is an unacceptable form of development”.

- 6.4 A subsequent appeal against the Council’s decision was allowed on 6 December 2019. The Planning Inspector considered that the main issue for the appeal was the effect that the proposed development would have on the character and appearance of the area with particular reference to layout, whereby the inspector considered that the site *“provides a pleasant relief in the largely open arable landscape”*. The Inspector noted that the building grain of Little Dunmow was broadly characterised by a loose and irregular linear character with discernible building lines, whereby this pattern of development was also present along Station Road, although noting that the listed cottages along Moors Lane were arranged more in depth. The Inspector further noted that the plan form of the proposed development would have some “synergy” with the wider pattern of development in Little Dunmow, but that various aspects of the indicative housing layout to the rear would result in a cramped and unsatisfactory form of development. However, the Inspector went on to say that layout was a reserved matter and that the final form of the housing layout could be improved upon at reserved matters stage whereby he added that; *“Space could be created to give a stronger linear character if smaller properties were proposed”*....and that, notably, *“In conclusion, 18 homes at the appeal site would not result in an inherently unacceptable layout that would harm the character and appearance of the area”*.
- 6.5 The Inspector considered the visual impacts that the proposed development would have on the rural setting of the site outside development limits, commenting that the proposal would urbanise the appeal site resulting in some adverse impacts on the character and appearance of the countryside. The Inspector added that;
- “However, the overall effect would be qualified by the retention of a strong landscaped perimeter, the potential to keep the houses low and reflecting the local vernacular, the presence of housing in the vicinity, including development either side, and the potential for a broadly linear layout, which would permit the proposal to integrate into its context and prevent a discordant incursion into the field behind. Overall, the impact on the countryside would be an adverse impact of moderate weight”*.
- 6.6 With regard to other material matters, the Inspector commented that the Council did not have a 5 year housing land supply (2.68 years stated), that the site was within a sustainable location relative to local services, that the development would preserve the setting of the adjacent listed buildings providing that an adequate buffer could be retained if the western extent of the site was to be left undeveloped with an attenuation basin in the way indicated on the indicated layout, that the site was sufficiently far away from the Little Dunmow Conservation Area to ensure its character and appearance would be preserved, that the appellant’s ecological assessment had demonstrated that the proposal would not harm protected species, that highway access could be provided safely and that the impact on the wider road network would not be severe. In response to the Parish Council’s stated concern that ribbon development such as that proposed would result in harmful coalescence between Little Dunmow and Flitch Green, the Inspector was not persuaded on this point, being of the opinion that Felsted, Flitch Green and Little Dunmow were still distinct settlements being separated by arable fields.

- 6.7 The Inspector found for his overall conclusion that the layout of the appeal scheme need not be at odds with the character and appearance of the area and thus the development plan subject to an improved site layout submitted at reserved matters stage. That said, he found that the location of the proposed development would be contrary to the development plan in terms of the scheme's inconsistency with the countryside protection aims of ULP Policy S7, but that there were other material considerations, namely the Framework, which outweighed this finding.

7. POLICIES

National Policies

National Planning Policy Framework (NPPF) (revised February 2019)

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy ENV3 – Open Spaces and Trees
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
ULP Policy H1 – Housing Development
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD “Affordable Homes and Playspace”.

Other Material Considerations:

Essex Design Guide
Essex County Council Parking Standards – “Design and Good Practice”
(September 2009)
Uttlesford District Council Parking Standards (February 2013)
Uttlesford District Council Interim Climate Change Planning Policy (February 2021)

8. PARISH COUNCIL COMMENTS

- 8.1 **Object:** The site layout would accentuate the increasing linear development between Little Dunmow village and Flitch Green. *Note:* Other comments were expressed by the Parish Council concerning the number of dwellings proposed as originally submitted prior to the proposed scheme being reduced in numbers.

9. CONSULTATIONS

Essex County Council highways

- 9.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to appropriate highway conditions.

Note:

The assessment of the application and Transport Statement was undertaken with reference to the National Planning Policy Framework and the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

Given that there is potential for parking along Station Road as a direct result of this development, it seems to be a reasonable request for a contribution towards a Traffic Regulation Order to be secured to eliminate any potential safety issues with regards to parking, should a parking issue arise.

Local Lead Flood Authority (LLFA)

- 9.2 (revised comments received 14/01/2021):

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been the statutory consultee on surface water since the 15th April 2015.

In providing advice, this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the proposal subject to the imposition of sustainable drainage conditions.

Place Services (Heritage)

- 9.3 (revised comments received 21/01/2021):

This advice follows on from previous in the letter dated 09/08/2020 following revised plans and further information being submitted.

As previously identified, there are four Grade II listed buildings to the west of the site, namely Penash (list entry number: 1112812); Brights Cottage (list entry number: 1168349); The Cottage (list entry number: 1322294) and Willow Cottage (list entry number: 1112813). Therefore, the potential impact upon the setting and significance of the heritage assets must be considered.

Upon review of the revised plans, the proposed layout of the development and the location of the above ground SUDs feature is now largely similar to the previous scheme allowed at Appeal (Ref: APP/C1570/W/19/3228069). As stated by the Inspector, if the western extent is left undeveloped the proposal would preserve the setting of the listed buildings. Therefore, in addition to the revised layout and

the submitted planting plan, I consider the previous concern raised through the inappropriate encroachment of the development to have been addressed.

With regards to the overall design and the layout of the dwellings, I do not consider the previous concern raised to have been addressed. The 'repetitive and regimented' manner of the proposed development is considered to not sympathetically respond to local character and distinctiveness. In particular, the creation of a rear access road with garages and parking is considered incongruous and results in a distinctly urban development. It was stated by the Inspector within the Appeal decision that 'omitting garages and reducing the extent of internal roads would also give more space around the buildings for soft landscaping'. I suggest revised plans are submitted which better reflect local character and distinctiveness, omitting the rear access road and garages.

Regarding the scale of the development and the units, the revised plans are largely identical to previous, thus I do not consider previous concerns to have been overcome and therefore previous advice is still relevant.

Whilst I have no objections, I believe the quality of this scheme could be improved through an improved layout.

Place Services (Ecology)

9.4 (revised comments received 25/01/ 2021):

No objections subject to securing biodiversity mitigation and enhancement measures.

Summary:

We have reviewed the documents supplied with the application, including the Revised Site Block Plan, Design and Access Statement Addendum, and Revised Planting Plan (Small Bim Architecture, July 2020), the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019) and the newly submitted Revised Ecological Appraisal (Engain, December 2020); to help assess the likely impacts of the development on designated sites, protected & priority species & habitats.

We note that the development site 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). Therefore, Natural England's advice to Uttlesford DC should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that it is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

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.

The Revised Ecological Appraisal (Engain, December 2020) advises the development layout has been revised since the ecological assessment was

undertaken and therefore a subsequent Phase 1 Habitat Survey was conducted on the 1st December 2020 in order to provide an update assessment of the site and the new layout to verify the original findings and to establish of the outcomes or recommendations.

With regard to Reptiles, the reptile surveys in 2017 recorded a single female slow worm at the same location during two consecutive surveys in September. No other herpetofauna were recorded at the site. The subsequent Phase 1 Habitat Survey advises the context of the site has changed very little in the intervening period – reptile populations in surrounding areas are not likely to have changed substantially in that time. As of the survey in December 2020, the habitats at the site were similar with the exception that a swathe has been cut through the scrub in the middle of the site. We are therefore satisfied that the precautionary measures recommended for reptiles are relevant for this application and at this time the surveys do not need to be repeated. This provides certainty to the LPA on the impacts to Reptiles, Protected Species.

A detailed Working Method statement for Reptiles should be provided as part of a Construction Environmental Management Plan (CEMP) for the proposed development site. The Working Method will provide timings and protocols for the protection of reptiles during vegetation clearance. The landscaping plan for the site should include areas of enhanced habitat for reptiles within the site boundaries and public open space, specifically maintaining a link between the site and the arable habitat to the south.

We are satisfied that existing vegetation along all site boundaries will be retained where possible, and there will be additional tree planting provided particularly along the western and southern boundaries. Native trees will also be provided throughout the public open space. The retention of the existing woodland / scrubland along the site boundaries will seek to preserve existing on site habitats and maintain wildlife connections to offsite habitats. Habitats will be enhanced through native planting design, with additional provision from the proposed attenuation pond and associated species-rich wildflower and marginal aquatic planting. In addition, wildlife friendly fencing will be included throughout the development.

We recommend that a bat sensitive lighting scheme should be secured as a condition of any consent. Technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area.

We 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. This should reflect the loss of habitats onsite, and therefore include bird and bat boxes, reptile hibernacula and plants that attract a wide range of invertebrates.

We also support the inclusion of a long-term Ecological Management Plan as recommended in the Biodiversity Appraisal (Engain, May 2019), which should be secured as a condition of any consent.

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

Impacts will be minimised such that the proposal is acceptable subject to conditions based on BS42020:2013.

Place Services (Archaeology)

9.5 (revised comments received 06/01/2021):

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

Essex County Council Education

9.6 An education contribution will not be requested in this instance as the development comprises of less than 20 dwellings. I would be grateful if we are automatically consulted on any appeal or further application relating to this site.

Anglian Water

9.7 (revised comments received 09/01/2021):

ASSETS

Section 1 - Assets Affected:

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment:

The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network:

This response has been based on the following submitted documents: REVISED FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal:

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. Anglian Water has reviewed the submitted documents (REVISED FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY) and can confirm that these are acceptable to us.

Section 5 - Suggested Planning Conditions:

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval:

Surface Water Disposal (Section 4):

No condition required. We require these documents to be listed as approved plans/documents if permission is granted.

Essex Police

9.8 (revised comments received 11/01/2021):

(ULP Policy GEN2 (d) – “It helps to reduce the potential for crime”. We refer to our earlier comments of 3/8/2020. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and at the same time achieve a Secured by Design Homes award.

MAG

9.9 (revised comments received 08/01/2021):

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. It does not have any aerodrome safeguarding objections to the proposal.

Advisory:

The applicant’s attention is drawn to the new procedures for crane and tall equipment notifications, please see:

<https://publicapps.caa.co.uk/docs/33/CAP1096%20E2.1%20September%202020%20FINAL.pdf>

UDC Housing Officer

9.10 (revised comments received 01/03/2021):

Thank you for your email. The provision of 20% affordable housing at this site is acceptable given that the site has now reduced to 14 units. As there are only to be 3 no. affordable units, it is best if they are all for affordable rent as a Registered Provider would not want just a single shared ownership unit on a site which is what it would be with the normal 70%/30% split between affordable rent and shared ownership.

It would be preferable if the mix could change slightly so that there was a 2 bed ground floor accessible M4(3) property and a 1 bed flat to the first floor as there is a housing register applicant currently living with a family in Felsted who requires a 2 bed fully wheelchair accessible property as she requires a 2nd bedroom to allow for overnight care and this site would be ideal if this could be provided.

UDC Landscaping Officer

9.11 (revised comments received 25 February 2021):

I do not have any landscaping objections to the proposed scheme of landscaping as submitted on the revised Planting Plan other than I would wish to see the proposed planting of birch substituted with field maple.

UDC Environmental Health Officer

9.12 (revised comments dated 12/08/2020):

The scheme as amended for application UTT/19/1789/FUL remains broadly the same as originally submitted and therefore our recommended contamination condition requiring a Phase 2 investigation report as recommended by the submitted Create Consulting Engineers Ltd report dated May 2019 (ref CB/CC/P17-1319/07 Rev C) being submitted to and approved in writing by the Local Planning Authority remains valid. Where found to be necessary by the Phase 2 report, a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority.

Note: Request for electrical charging points to be added to previous recommendation.

10. REPRESENTATIONS

10.1 36 representations received. Neighbour notification period expires 22 August 2019 (25 January 2021 - revised plans). Advertisement expires 5 August 2019. Site notice expires 17 September 2019.

10.2 Summary of representations received as follows:

- The development would not sit comfortably within the local landscape
- The development would cause inappropriate coalescence between Little Dunmow and Fritch Green
- The development as a gateway into Little Dunmow from the east would not reflect the historic character of the hamlet (Doomsday Book)
- Unprepossessing linear infill development
- Density of the development for this site is too high
- Would be harmful to the setting of three adjacent listed buildings
- The development would be built on scrubland that serves as useful ecology habitats for protected and priority species
- Little Dunmow has no services or facilities apart from a restaurant
- Would increase traffic onto Station Road
- Issues of road safety, including access and egress to the site
- Low water pressure in the area
- The scheme of proposed landscaping is unconvincing
- The development should not be measured against the UDC social housing site now being built at The Moors on a brownfield site

10.3 It should be noted that several of the representations originally submitted made reference to the original number of 18 no. dwellings for this submitted Full housing scheme before this number was subsequently reduced to 16 and then 14 no. units

whereby it was considered that 18 dwellings was too high for the site in terms of housing density and the impacts that such a number would have in terms of design and resultant appearance on the streetscene.

11. APPRAISAL

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

- A Principle of development having regard to sustainable development principles – flood risk, accessibility to local services, countryside protection, heritage protection and current LPA housing land supply status (NPPF, ULP Policies GEN1, GEN3, S7, ENV2, ENV4 and H1);
- B Whether proposed access arrangements would be acceptable (NPPF and ULP Policy GEN1);
- C Design (NPPF, ULP Policy GEN2);
- D Vehicle parking standards (ULP Policy GEN8);
- E Impact on neighbouring residential amenity (NPPF, ULP Policy GEN2);
- F Whether the proposed housing mix would be acceptable (NPPF, ULP Policy H10);
- G Affordable housing requirements (NPPF, ULP Policy H9);
- H Impact on trees / protected and priority species (NPPF, ULP Policies ENV3 and GEN7).

A Principle of development having regard to sustainable development principles – flood risk, accessibility to local services, countryside protection, heritage protection and current LPA housing land supply status (NPPF, ULP Policies GEN1, GEN3, S7, ENV2, ENV4 and H1)

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan, unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are considered to be out of date whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 15 years old and pre-dates both the original NPPF (2012) and the latest version (2019). A neighbourhood plan does not currently exist for Little Dunmow.
- 11.2 The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework also sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes in the right place at the right time to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.
- 11.3 Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the LPA cannot demonstrate a five year housing land supply), the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear

reason for refusing the development (see Footnote 6); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

- 11.4 It should be emphasised for the purposes of clarity that the current application is an elected full application submission and not a reserved matters application from outline application UTT/18/0440/OP allowed at appeal for 18 no. dwellings as referenced above, even though it would still have been possible procedurally for the applicant to have submitted a DFO application to the LPA for formal determination as the time for reserved matters submission for such an application does not expire until 13 December 2021. It is therefore necessary to consider the principle of development again for the current application submission.

Flood risk:

- 11.5 The site falls within Flood Zone 1 meaning that the site is at low risk of fluvial flooding. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy (revised 23.12.2020) providing details of existing drainage features at the site and sustainable drainage measures proposed for the submitted scheme whereby the proposed scheme includes the provision of a SuDS attenuation basin for the western end of the development site as shown on the submitted drawings.
- 11.6 The submitted FRA and drainage scheme has been examined by the Lead Local Drainage Authority who have not objected to the drainage report and associated documents accompanying the application in their revised comments dated 14 January 2021 subject to drainage conditions, including the submission for condition discharge of 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 proposed development. No drainage objections are therefore raised on this basis under the relevant provisions of the NPPF and ULP Policy GEN3.

Accessibility to local services

- 11.7 Paragraph 78 of the NPPF notes that in order to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 108 of the Framework states that in assessing specific applications for development that it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, whilst paragraph 111 advises that all developments that will generate significant amounts of movement should be required to provide a travel plan.
- 11.8 The site is located equidistant between the nucleus settlement of Little Dunmow, which contains no local services or amenities with the exception of a public house/restaurant, and Flitch Green to the south, which has a good level of local service and amenity provision, including a primary school and local supermarket to serve the residents of that larger nearby settlement. Felsted village beyond as a recognised sustainable settlement has additional local services and amenities, including a further primary school. The site is located within 400m of bus stops for the hourly No.133 bus service and also the No.16 service, both which run along Station Road through Felsted and Little Dunmow, whereby bus stops are conveniently situated on Pound Hill outside Pound Hill Villas to the immediate

east of the site boundary and therefore within immediate walking distance of the site.

- 11.9 This relatively sustainable position of the application site to local services and amenities and also availability to public transport was recognised both within the delegated officer report for refused application UTT/18/0440/OP and also by the planning inspector for the subsequently allowed appeal. It is therefore considered that the social objective of the NPPF is met by this assessment.

Countryside protection

- 11.10 Paragraph 170 of the NPPF seeks to protect and enhance ‘valued landscapes’ in a ‘manner commensurate with their statutory status or identified quality in the development plan’ whereby the Framework requires recognition to be given to the intrinsic character and beauty of the countryside. ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that there will be strict controls on new building. Policy S7 also states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Policy S7 has been found, however, to be partially consistent with the provisions of the NPPF following an independent policy review of the adopted local plan against the NPPF (Ann Skippers) whereby its restrictive stance towards housebuilding in the countryside contrasts with the more proactive stance taken by the NPPF towards sustainable development within the rural areas. Policy S7, however, is still a saved local plan policy and carries weight.
- 11.11 The site for the purposes of the land edged in red comprises an undeveloped and overgrown frontage strip along Pound Hill between Brights Cottage and Pound Hill Villas. The site and surrounding landscape are not covered by any statutory or local landscape designation or identified within the development plan for its particular landscape quality. Therefore, the site is not a ‘valued landscape’ in the context of the Framework and its location means that it is generally representative of the wider countryside in the area.
- 11.12 The delegated officer report for refused application UTT/18/0440/OP for 18. No dwellings with associated infrastructure, including rear service road and which represents the pre-cursor to the current full application assessed that that development by achieving the desired number of dwelling units “*would create a visual intrusion into the countryside in that built form would be perpendicular to the main road*” whereby it was further stated that a more appropriate housing scheme for the site “*would be a single row of dwellings in a linear orientation along the main road with comparable plot sizes to existing properties*”. In assessing this issue, the planning inspector for the resultant appeal considered that the conflict with Policy S7 represented an adverse impact of the appeal scheme, but could only apply moderate weight to Policy S7 in its aim to protect the countryside given the need to recognise the Council’s lack of a 5 year housing land supply. The proposed scheme as submitted originally for 18 no. dwellings, but now reduced to 14 no. dwellings purposely through its design now conforms with the planning officer’s suggestion of having a single row of dwellings in linear orientation along Pound Hill (Station Road) instead to overcome this objection.
- 11.13 The application is accompanied by a detailed Landscape and Visual Impact Assessment which has assessed the visual impact that the proposed

development would have on the local landscape from various viewpoints and settings and which concludes as follows:

“The LVIA also demonstrates that the proposed development would be compliant with all national and local landscape planning policies. The retention and strengthening of the mature vegetation around the site (and within the wider local area), alongside the proposed landscape and ecological mitigation and enhancement measures, help to contain the potential for wider landscape and visual effects of the development. The LVIA demonstrates that the proposed development could be successfully integrated within the existing site and assimilated into the surrounding landscape without causing wide scale change to landscape character and visual amenity”.

- 11.14 The LVIA conducted demonstrates that the visual impacts of the proposed development within its localised setting both by the scale of the proposal and by the landscaping measures which would be introduced to buffer the development, particularly from the more exposed lower position to the south, would not be significant and demonstrable and that only moderate weight can be afforded to ULP Policy S7 in terms of countryside protection consistent with the view taken by the planning inspector for application UTT/18/0440/OP. As such, it is considered that the environmental objective of the NPPF is met in terms of assessing wider environmental impacts.

Heritage protection

- 11.15 Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that LPAs should seek to protect the integrity and setting of listed buildings. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal. ULP Policy ENV2 of the Uttlesford Local Plan relating to heritage protection states that “Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building, will not be permitted.
- 11.16 The site is located adjacent to three grade II listed cottages, namely Brights Cottage, The Cottage and Willow Cottage. Therefore, the potential impact of the proposed development upon the setting and significance of these heritage assets must be considered. As previously mentioned in this report, the planning inspector assessed for the 18 no. dwelling scheme indicated for outline application UTT/18/0440/OP that that development would preserve the setting of the adjacent listed buildings, which the Inspector referred to as being “*vernacular cottages intrinsically linked with the rural landscape*”, providing that an adequate buffer could be retained if the western extent of the site was to be left undeveloped with an attenuation basin in the way indicated on the submitted layout.
- 11.17 The proposed housing layout as subsequently revised through the current application acknowledges this layout preference whereby a good separation distance of some 60m exists between the nearest dwelling within the development (Plot 1) and the nearest of these listed buildings (Brights Cottage and The Cottage) whereby the impact of the development on these nearby heritage assets would be further mitigated by proposed boundary planting. These mitigating effects are reflected in Place Services’ revised consultation response dated 21

January 2021 whereby they state that *“Therefore, in addition to the revised layout and the submitted planting plan, I consider the previous concern raised through the inappropriate encroachment of the development to have been addressed”*.

- 11.18 Place Services are less complimentary regarding the design of the dwellings proposed for the scheme whereby they state in their response that; *“With regard to the overall design and the layout of the dwellings, I do not consider the previous concern raised to have been addressed. The ‘repetitive and regimented’ manner of the proposed development is considered to not sympathetically respond to local character and distinctiveness. In particular, the creation of a rear access road with garages and parking is considered incongruous and results in a distinctly urban development”*. However, it is also noted that Place Services do not specifically raise any heritage objections to the proposed design and layout of the scheme.
- 11.19 Place Services’ comments regarding design have been noted, although it is considered that the design and appearance of the dwellings, and also the spacing between the dwellings, is such that any adverse impacts upon the setting of the aforementioned listed buildings would be less than significant when assessed under paragraph 196 of the NPPF whereby the housing benefits of the proposal at this sustainable location are a material consideration. As such, it is considered that no heritage objections can be reasonably raised to the proposal under ULP Policy ENV2. The requirements for a programme of archaeological trial trenching followed by open area excavation as required by Place Services given the site has moderate archaeological potential to contain Late Prehistoric and Roman remains within an area of known sensitive archaeological deposits can be conditioned (ULP Policy ENV4).

Current LPA housing land supply status

- 11.20 The NPPF requires all local planning authorities to identify a supply of specific deliverable sites to provide five years’ new housing supply against their requirements as calculated under national policies. A housing trajectory is used by Councils to calculate their 5-year housing land supply and demonstrate whether anticipated housing delivery will meet or exceed those housing requirements. Uttlesford District Council cannot currently demonstrate a 5 Year Housing Land Supply where the current housing deficit against statutory housing requirements now stands as adjusted at 3.11 years for the 2020-2025 period as of 1 April 2020 following a UDC planning policy review and update of its housing trajectory and 5 year housing land supply calculation where the deficit previously stood at 2.68 years as at 1 April 2019. Accordingly, it remains the case that the Council’s adopted policies which are most important for determining planning applications must be considered out of date, including ULP Policy H1 of the adopted Local Plan relating to the distribution of housing within the district.
- 11.21 The principle of housing development at this greenfield site is therefore still considered acceptable when assessed against all of the above policy and constraints criteria. Detailed considerations are now discussed.

B Whether proposed access arrangements would be acceptable (NPPF and ULP Policy GEN1)

- 11.22 Applicants and developers are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can be easily and safely accommodated within the

existing highway network (ULP Policy GEN1). A Transport Statement (TA) has been submitted with the application.

- 11.23 A new vehicular access would be formed to the proposed development from Station Road (Pound Hill) towards the western end of the site and a new rear service road created which would extend down close to the rear boundary of the site before returning parallel with Pound Hill along the rear boundary behind the proposed row of dwellings to an end turning circle at the western end of the development site. Swept path analysis plans have been submitted to show that refuse and emergency vehicles could enter and leave the site safely.
- 11.24 Station Road (Pound Hill) is a Class III highway. The proposed access point to the development would be formed on the gradual inside of the curve of the road thereby giving a good degree of forward visibility in each direction along the road. ECC Highways have seen the submitted drawings for the proposal, including the most recent revision set and have assessed the suitability of the proposed access having regard to the submitted transport statement and considering issues of access and egress, safety, capacity and the opportunities for sustainable transport and mitigation measures.
- 11.25 ECC Highways have stated in their consultation response dated 10 February 2021 that the impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to conditions, including the requirement to upgrade the two existing bus stops which exist at Pound Hill within the immediate vicinity of the site as shown on the "Proposed Access General Arrangement Plan" and also the requirement for an index linked commuted sum payment to be paid to the Highway Authority to fund a Traffic Regulation Order (TRO), to include relevant signing, lining and all other statutory processes on Station Road outside the development site to restrict casual parking and to facilitate the safe and efficient movement of traffic along Station Road. The proposal is acceptable under ULP Policy GEN1 subject to these highway requirements whereby the applicant has agreed to enter into a Section 106 agreement relating to the bus stop upgrade works and to provide a Travel Information Pack.

C Design (NPPF, ULP Policy GEN2)

- 11.26 The NPPF advises that the creation of high quality buildings and places is an important part of the development process and a key aspect of sustainable development. Paragraph 127 states that all new developments should "function well and add to the overall quality of the area....; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history including the surrounding built environment and landscape setting....; establish or maintain a strong sense of place...; while optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)." ULP Policy GEN2 states that development will only be permitted unless its design meets all design criteria contained within the policy and has regard to Supplementary Design Guidance and SPD's, including the SPD "Accessible Homes and Playspace".
- 11.27 The proposed development would comprise the erection of 4 no. detached dwellings (one of which would be affordable), 8 no. semi-detached dwellings and 2 no. horizontally divided flats (Plots 13 and 14) in an end detached dwelling (both

of which would be affordable). An accommodation schedule is provided below showing a breakdown:

Plot	Tenure	Type	Bedrooms	Amenity	Parking
1	Market	Detached	4	123sqm	4
2	Market	Detached	4	185	4
3	Market	S/detached	3	135	2
4	Market	S/detached	3	150	2
5	Market	S/detached	3	149	2
6	Market	S/detached	3	118	2
7	Market	S/detached	3	122	2
8	Market	S/detached	3	161	2
9	Market	Detached	3	205	2
10	Market	S/detached	3	154	2
11	Market	S/detached	3	152	2
12	Affordable	Detached	3	174	2
13	Affordable	Flats	2	52	1
14	Affordable	Flat	2	52	2

Scale, Layout and Appearance

- 11.28 The proposed dwellings would be set back from Pound Hill behind a new continuous front entrance footpath to provide pedestrian access to the frontage of the dwellings, whilst a further connecting pathway which would be landscaped would connect the front and the rear of the site at right angles between Plots 11 and 12. The linear footprint positioning of the dwellings would be broadly consistent with the existing “building line” of Burgess Cottages and Pound Hill Villas to the immediate east of the site. There would be a reasonable separation distance between the dwellings, again which would be broadly consistent with the separation distances for the adjacent dwellings, whereby the separation distances for the proposed dwellings have been improved by the reduction in the number of dwellings for the current scheme down to fourteen as now shown. The dwellings would have private garden amenity spaces which would comply with the Essex Design Guide.
- 11.29 The dwellings as shown on the proposed revised Site Section drawing would be a mixture of house types and styles seeking to echo the local building vernacular. Most roofs would be pitched, although a few would incorporate half-hipped roofs. All of the dwellings would have a uniform ridge height to provide consistency of roof heights within the street scene. The dwellings would be externally clad in a mixture of finishes as shown on the Materials Palette drawing whereby the roofs would be externally clad in a mixture of red clay tiles and artificial slate, whilst the walls would be clad in a mixture of red facing brick with corbelled brick string coursing, render and horizontal timber cladding. The dwellings would include a good level of detailing and all would incorporate chimneys. The garages to the dwellings would have half-hipped roofs incorporating low eaves lines and would similarly be clad in a mixture of tile and slate roofs, red facing brickwork and timber cladding walls.
- 11.30 It is considered that the scale, layout and appearance of the dwellings as shown would be acceptable for this end of settlement location interfacing as it does with more open countryside beyond and to the rear and no design objections are raised under ULP Policy GEN2 in this regard whereby it is considered that the

scheme would align with the design requirements of the NPPF. The applicant has agreed to enter into a Section 106 Agreement to provide public open space (POS) for the scheme, namely that to be provided around the proposed landscaped attenuation basin as shown on the submitted drawings.

Submitted landscaping measures

- 11.31 It is considered important for this site to require a robust scheme of landscaping for the proposed development to mitigate against visual harms which could arise from a development layout such as this at this edge of settlement location, particularly when viewing the site from mid to long views from lower farmland to the south whereby footpaths exist within the valley below, including Footpath 35 which returns back up to Pound Hill. This was also commented on by the planning inspector for outline application UTT/18/0440/OP.
- 11.32 A detailed planting plan has been submitted (BMD.19.022.DR.P002 E) which shows how landscaping measures would be introduced to help assimilate the development into its local setting. In this regard, new native tree planting would be planted within the existing frontage hedgerow along Pound Hill to reinforce the existing hedging which would be retained to screen and soften the development from the road frontage. More substantial structural planting would extend along the rear southern boundary of the site which would contain a mix of species and size of trees which would serve to screen the development from the south in time, whilst a landscaped area would be laid out around the proposed attenuation basin at the western end of the development which would also serve as a public open space feature whereby the provision of open space and its management would form part of any s106 agreement.
- 11.33 The planting scheme as submitted has been seen by the Council's Landscape Officer who has not raised any landscaping objections to the planting scheme with the provision that specified birch be replaced with field maple to help create a more native field mix species for the planting specification. The planting plan has subsequently been updated to meet this request. No policy objections are therefore raised under ULP Policy ENV3 (ULP Policy GEN2).

D Vehicle parking standards (ULP Policy GEN8)

- 11.34 Resident parking for the proposed development would be in the form of either covered or hardstanding parking or a mixture of the two for each dwelling plot whereby vehicular access to the parking spaces would be via the rear service road. Parking allocation for each plot is set out in the accommodation schedule above whereby parking provision across the development as a whole would be in accordance with UDC adopted parking standards with the exception of the ground floor flat for Plot 13 which is now to become a 2 bedroomed accessible flat rather than as a 1 bedroomed flat as originally proposed at the request of the Council's Housing Enabling Officer (see section G below). However, this technical deficiency of one parking space for this accessible flat against the standards is made up for by the fact that 9 no. visitor parking spaces are shown allocated for the development as a whole in the form of two rows of visitor parking along the rear side of the internal service road whereby strictly only four visitor parking spaces are required at a ratio of 14 dwellings x 0.25% (3.5 v.p. spaces rounded up to 4 spaces). As such the parking provision shown for the development overall would comply with ULP Policy GEN8.

E Impact on neighbouring residential amenity (NPPF, ULP Policy GEN2)

11.35 The proposed development by reason of its linear nature would not give rise to any significant residential amenity issues in terms of overbearing effect, loss of privacy, overshadowing or loss of light either between dwellings for the development or for neighbouring dwellings. A service track currently exists adjacent to the eastern boundary of the site meaning that a wide separation distance would exist with the nearest residential property on this side, No.1 Burgess Cottages. No amenity objections are therefore raised under ULP Policy GEN2.

F Whether the proposed housing mix would be acceptable (NPPF, ULP Policy H10)

11.36 The proposed 14 no. dwelling development would comprise 2 no. x 4 bed dwellings, 10 x 3 bed dwellings, of which one dwelling would be an affordable unit, and 2 no. x 2 bed flats, both of which would be affordable. Such a presented mix having a propensity for 3 bedroomed dwellings rather than a dominance of 4 bed units as is often the case for such presented schemes would be consistent with the Council's previous SHMA findings, whilst the 2 bed flat units would be attractive to local affordable demand (see below). No objections are therefore raised to the proposed housing mix under ULP Policy H10.

G Affordable housing requirements (NPPF, ULP Policy H9)

11.37 The preamble to ULP Policy H9 of the adopted local plan states in relation to the provision of affordable housing that "Elsewhere in the district, 40% of affordable housing will be similarly sought on sites of 0.5 hectares or of 15 dwellings or more, whilst Policy S9 itself states that the Council will seek to negotiate affordable housing on a site to site basis.

11.38 The number of dwellings for this housing scheme has been reduced from 18 no. dwelling units as originally submitted for the application to 14 no. units as now proposed following negotiations between Council officers and the applicant to provide for an improved linear housing layout. As a result, 3 no. affordable housing units are being provided at the site, which represents 21.5% on-site affordable housing provision. The applicant's planning agent states in this regard that it is considered that the total provision of affordable units at 21.5% is acceptable as ULP Policy H9 of the adopted Local Plan sets the policy requirement at 40%, but only for sites proposing 15 units or more, adding that the development quantum as now proposed falls below the threshold of 15 units.

11.39 It is accepted that the site area for the proposed development at 1.25 hectares exceeds the 0.5 ha maximum site area threshold as required in Policy H9, notwithstanding the reduction in the number of overall dwellings for the site to less than the maximum 15 dwelling threshold. However, given that the proposed development represents a small housing scheme, and in view of the fact that the majority of the market dwellings to be provided are 3 bedroomed, it is considered that an exception can be made in this instance to the normal 40% provision where notably the Council's Housing Enabling Officer in his consultation response of 1 March 2021 has stated that the adjusted down affordable housing percentage for the scheme at 21.5% representing 3 no. affordable dwellings as a reduced 14 dwelling scheme for the site is acceptable. This affordable housing requirement would be subject to inclusion within a Section 106 agreement. The ability to be able to provide on-site affordable housing units at this location is preferred over an off-site equivalence commuted sum arrangement.

- 11.40 The Housing Enabling Officer has advised that the three affordable units should be for affordable rent given that a Registered Provider (RP) would not require just a single shared ownership unit on a site which is what it would be with the normal 70%/30% split between affordable rent and shared ownership. The Housing Enabling Officer has further advised that it would be preferable if the housing mix indicated could change slightly so that there was a 2 bed ground floor accessible M4(3) property and a 1 bed flat to the first floor for Plots 13-14 as there is a housing register applicant currently living with a family locally who requires a 2 bed fully wheelchair accessible property and as this person requires a second bedroom to allow for overnight care and that this site would be ideal if this could be provided. This request has been put to the applicant who has since revised the floor plans for Plots-13-14 accordingly. Such a request chimes with the suggestion of the planning officer in his written delegated officer report for previously determined application UTT/18/0440/OP for this site (see commentary above).

Impact on trees / protected and priority species (NPPF, ULP Policies ENV3 and GEN7).

- 11.41 The site currently comprise scrubland containing self-seeded trees which has been allowed to thicken over time. The site does not contain any boundary trees which are subject to a TPO.

A reptile survey conducted of the site in 2017 recorded a single female slow worm at the site during two consecutive surveys, although no other herpetofauna were recorded at the site. A subsequent Phase 1 Habitat Survey conducted of the site on 1 December 2020 pursuant to the original survey has advised that the context of the site has changed very little in the intervening period in that reptile populations in surrounding areas are not likely to have changed substantially in that time, adding that the habitats at the site were similar with the exception that a swathe has been cut through the scrub in the middle of the site.

- 11.42 Place Services have advised in their revised consultation response dated 25 January 2021 that they are satisfied that the precautionary measures recommended for reptiles within the ecology appraisal are relevant to the development at this time and that further reptile surveys do not need to be repeated whereby these recent findings provide certainty to the LPA on the impacts to reptiles as a protected species. No other species of note were detected at the site during the surveys and Place Services are satisfied that there is sufficient ecological information available for determination of the application, adding that with appropriate mitigation measures secured that the development can be made acceptable, including a detailed Working Method Statement for Reptiles which should be provided as part of a Construction Environmental Management Plan (CEMP) condition for the proposed development site and also a bat friendly lighting scheme.
- 11.43 Places Services further comment that the soft landscaping measures proposed for the scheme, including the retention of the existing scrubland along the site boundaries, will seek to preserve existing on-site habitats and maintain wildlife connections to off-site habitats and that habitats will be enhanced through native planting design, with additional provision from the proposed attenuation pond and associated species-rich wildflower and marginal aquatic planting, with wildlife friendly fencing also included throughout the development. No ecology objections

are therefore raised to the proposal under ULP Policy GEN7 on this basis subject to the recommended ecology conditions.

12. CONCLUSION

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

- A The principle of residential development at this edge of settlement greenfield location immediately accessible to public transport and close to local services and amenities remains acceptable in principle from refused planning application UTT/18/0440/OP and the resulting allowed appeal whereby there has been no intervening change in national or local plan policy since to arrive at a different conclusion and where the proposal in its revised reduced numbers form from application UTT/18/0440/OP would not have a significant or demonstrable harmful effect on either rural amenity or nearby designated heritage assets.
- B The means of vehicular access for the proposed development is considered acceptable to the local Highways Authority subject to highway conditions, including the requirement for the applicant/developer to upgrade the two existing bus stops within the vicinity of the site along Pound Hill and also the requirement for the applicant/developer to make a commuted sum payment to the Highway Authority through a Section 106 Agreement to fund a Traffic Regulation Order (TRO) to restrict casual parking along Station Road and to facilitate the safe and efficient movement of traffic along Station Road as a direct result of the development in the interests of highway safety. A Travel Information Pack would also be secured through a Section 106 Agreement.
- C The design of the proposed development (scale, layout and appearance) is considered acceptable, as are the proposed landscaping measures, including securing a structural landscaping buffer for the site's rear boundary to mitigate against wider visual harm from the south. Indicated public open space provision and management of such for the proposed development is to be secured through a Section 106 agreement.
- D Indicated parking arrangements would comply with adopted parking standards.
- E The development would not lead to any significant loss of residential amenity.
- F The proposed housing mix would be acceptable for this location.
- G The reduced on-site affordable housing provision for the proposed development at 21.5% for this reduced 14 no. dwelling small housing scheme would be acceptable whereby no affordable housing objections have been raised by the Council's Housing Enabling Officer in this respect subject to the applicant entering into a Section 106 agreement concerning the same. The ability to be able to provide on-site affordable housing units at this location is preferred over an off-site equivalence commuted sum arrangement.
- H The development would not have a harmful impact upon trees or upon protected / priority species subject to appropriate ecology conditions, including a detailed Working Method Statement for Reptiles which should be provided as part of a Construction Environmental Management Plan (CEMP) condition for the proposed development site and also a bat friendly lighting scheme, whilst the landscaping measures proposed provide for ecological site enhancements.

RECOMMENDATION – APPROVAL WITH CONDITIONS WITH S106 AGREEMENT

- (1) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 17 April 2021 the freehold owner enters into a binding agreement 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 an agreement to secure the following:
- (i) Provision of 21.5% affordable housing equivalent to 3 no. on-site affordable housing units
 - (ii) Provision and management of public open space
 - (iii) Maintenance of SuDS
 - (iv) Provision of bus stop improvement works
 - (v) Payment of commuted sum to the local Highways Authority to fund the implementation of a Traffic Regulation Order (TRO)
 - (vi) Provision of Travel Information Pack
 - (vii) Pay the Council's reasonable legal costs
 - (viii) Pay the monitoring fee
- (2) In the event of such an agreement being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below.
- (3) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:
- (i) Non-provision of 21.5% affordable housing equivalent to 3 no. on-site affordable housing units
 - (ii) Non-provision and management of public open space
 - (iii) Non-maintenance of SuDS
 - (iv) Non-provision of bus stop improvement works
 - (v) Non-payment of commuted sum to the local Highways Authority to fund the implementation of a Traffic Regulation Order (TRO)
 - (vi) Non-provision of Travel Information Pack
 - (vii) Non-payment of the Council's reasonable legal costs
 - (viii) Non-payment of the monitoring fee

Conditions

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

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

2. All hard and soft landscape works shall be carried out in accordance with the approved landscaping details as shown on revised "Planting Plan" drwg. ref. BMD.19.022.DR.P002 Rev E (revision date 25.02.2021). All planting, seeding or turfing and soil preparation comprised in the aforementioned details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period

of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual qualities of the area or the setting of nearby designated heritage assets.

4. Prior to occupation of any dwelling, the provision of a vehicular access formed at right angles to Station Road, as shown in principle on DWG no. 03/001 Rev N (dated 10.07.19) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres and two 2 metre wide footways shall be provided.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. Prior to occupation of the development, all visibility splays shown on DWG no. 03/001 Rev N (Proposed Access General Arrangement dated 10.07.19) shall be provided clear to ground. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. Prior to occupation of any dwelling, improvements to the 2 bus stops shown on DWG no. 03/001 Rev. N (Proposed Access General Arrangement, dated 10.07.19) on Station Road shall be provided. This is to include but not limited to, hardstanding, raised platforms, dropped kerb crossing points, flags and bus shelters on both sides of Station Road. The improvements scheme, to be approved by the Local Planning Authority in consultation with the Highway Authority, shall be implemented prior to first occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of any dwelling, the existing footway on Station Road along the site frontage shall be reinstated to its former width (or minimum 1.8 metres, whichever is greater) by removal of encroaching mud and vegetation and make remedial repairs where deemed necessary by the Highway Authority.

REASON: In the interests of accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Prior to occupation of any dwelling, a sum of £10,000 (index linked) shall be paid to the Highway Authority to fund the implementation of a Traffic Regulation Order (TRO) (and the relevant signing, lining and all other statutory processes) on Station Road, to restrict parking and facilitate safe and efficient movement of traffic along the road, or other such parking scheme in the vicinity of the land, as deemed necessary as a result of this development, should a parking issue arise.

REASON: To prevent inappropriate parking on the highway, in the interests of highway safety and efficiency in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning head shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

11. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12. 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:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Unless significant sediment and debris removal is applied the outfall should be no smaller than 50mm. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide evidence that the receiving waterbody has the capacity to take the flows from the site.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- The consideration of rainwater reuse where possible.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run-off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment.0

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

Pre-commencement condition justification: To make the development acceptable in terms of flood risk and SuDS.

13. 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: The National Planning Policy Framework 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.

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

Pre-commencement condition justification: To make the development acceptable in terms of flood risk and SuDS.

14. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site (ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005)).

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

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

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

REASON: A Desk Based Assessment has been submitted for this application which identifies the proposed development as having moderate archaeological potential for Late Prehistoric and Roman remains, whilst the Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits (ULP Policy ENV4 of the Uttlesford Local Plan 2005).

17. One dwelling 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the LPA's adopted SPD "Accessible Homes and Playspace".

18. Prior to dwelling occupation, all of the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019), the Revised Ecological Appraisal (Engain, December 2020) and the Revised Planting Plan (Small Bim Architecture, July 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

20. Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019) and the Revised Ecological Appraisal (Engain, December 2020).

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

Justification for pre-commencement condition: To ensure that the resulting development does not harm protected or priority species and their habitats.

21. Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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 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 with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

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

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

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

24. If the residential development (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure hereby approved does not commence within 2 years from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- (i) establish if there have been any changes in the presence and/or abundance of Protected and Priority species;
- (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

25. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the submitted Create Consulting

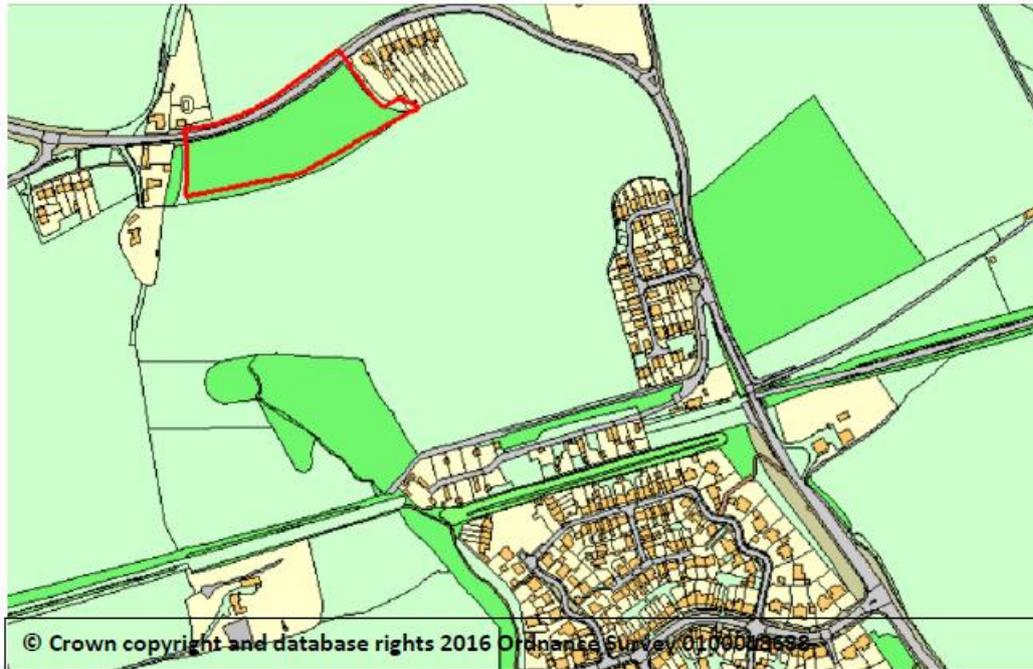
Engineers Ltd report dated May 2019 (ref CB/CC/P17-1319/07 Rev C), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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

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

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

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



Organisation: Uttlesford District Council

Department: Planning

Date: 01 MARCH 2021