

**UTT/20/1744/FUL**

(MAJOR)

**PROPOSAL:** Construction of 30 no. custom / self-build dwellings

**LOCATION:** Land East of St Edmunds Lane, Great Dunmow

**APPLICANT:** Mr R Kirby

**AGENT:** Pelham Structures Ltd.

**EXPIRY DATE:** Extension of time agreed to 11 June 2021

**CASE OFFICER:** William Allwood

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**1. NOTATION**

1.1 Outside Development Limits (ULP) / Outside Town Development Area (GDNP).

**2. DESCRIPTION OF SITE**

2.1 The application site is located on the east side of St Edmunds Lane, and comprises an irregular shaped sloping area of undeveloped land (agriculture), consisting of 3 ha (stated), which lies to the north east of the first phase of development by the applicant, approved under LPA reference UTT/19/1508/FUL, for the erection of 22 custom/ self-build dwellings, subject to a Unilateral Undertaking, following the resolution of Uttlesford DC Planning Committee to approve the scheme at their meeting of the 06<sup>th</sup> May 2020.

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

**3. PROPOSAL**

3.1 This full application proposal relates to the erection of 30 no. custom / self-build dwellings with associated parking provision, new service roads to include new access formed to the south west through the approved housing scheme, and onto St Edmunds Lane, and associated drainage works.

3.2 The detailed scheme as submitted has been laid out to contain what is described as three main "character areas" (Areas 1, 2, and 3 with more affordable "cottage style" dwellings shown for Area 1 to the south of the site nearest to the access through to Phase 1, with a semi-rural design theme with mixture of cottage and agricultural styled properties to either side of the road leading to a feature house and neighbouring barn style property at its end within Area 2. Area 3 sits in front of the woodland at Merks Hall to the east, and opposite the more traditional Area 2. It is designed to create an area that appears like a modern addition to the settlement. The intention being to create a greater range of choice for self-builders. The design of the illustrative houses has been inspired by European woodland developments, that combine natural materials, such as native hardwoods with large glazed areas to

create highly energy efficient buildings.

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

- 4.1 The proposal amounts to “Schedule 2” development ( 10. *Infrastructure Projects - (b) Urban development projects...*) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwelling-house development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development, and an environmental assessment is not required to assess the environmental impacts of the development.

#### **5. APPLICANT’S CASE**

- 5.1 The application is accompanied by a detailed Design and Access Statement (Pelham Structures Ltd) which sets out the legislative background relating to custom and self-build housing and goes on to describe the proposed housing scheme the subject of the current application. The statement makes reference to the planning history of the adjoining site, and how design principles have informed the current scheme in terms of layout, scale, palette of materials and the various optional house types which have been selected for the site scheme.

- 5.2 To inform Members both of the nature of custom / self-build housing generally and more specifically as to how this building concept relates to the current revised application proposal, the following section of the statement is extracted:

*“The planning application defines the plots and where feasible a choice of house types is provided. These interchangeable house types allow choice for purchasers of self-build plots. This application sets out detailed house types for each plot, a material schedule and a design code. Self-builders will then be able to choose which approved house type they wish to build with a further choice of materials from the material schedule.*

*A fully bespoke design option will also be offered in line with the design code submitted with this document. This sets out the parameters within which self-builders will be permitted to vary the design. This is to ensure a high quality of design throughout the development, it sets out the maximum footprint, ridge and eaves heights that will be allowed on each plot.*

*A condition discharge will need to be submitted prior to construction of each plot confirming the house type to be constructed and what materials will be used. Pelham Structures Ltd (PSL) will be responsible for all communal works and will provide tailored packages of support to plot purchasers dependent on their requirements and preferences.*

*The range of support provided in each case has been tailored to the needs of the client and has ranged from supply of a timber frame kit to complete build; including on occasion more specialist elements, such as basement swimming pools and internal lifts.*

*Subject to the approval of this application it is the intention that PSL will construct all the infrastructure and roads required to service the individual plots, as well as constructing the foundations to oversite / ‘Golden Brick’, with the intention that plots*

*will be sold at this point to self-builders.*

*Once sold purchasers will be able to undertake their own build. However, PSL appreciate that self-builders may need a degree of support to enable them to complete the build and will also be offering purchasers the following options:*

- Timber Frame Kit: PSL will supply and erect the timber frame.*
- Watertight Shell: PSL will build the body of the structure and the purchaser will then complete the internal fit out themselves.*
- Complete Build: PSL will build the property completely to the design requirements of the purchaser.*

*With each option, PSL's in-house architects will work with the purchasers to ensure that the design of their home suits their individual need. It is therefore expected as plots are sold that further amendments may be submitted to cater for the specific requirements of individual self-builders".*

### 5.3 The Design and Access Statement concludes as follows:

*The application proposes a full application in order to allow the delivery of bespoke self-build properties. UDC acknowledge the need for custom build housing and although, this process, as a method of procurement, is relatively new as a planning policy, PSL have since their inception been delivering bespoke design and building services to individuals looking to build their own home and are therefore well placed to deliver a development of this kind. The proposed delivery strategy will enable individuals to build/ customise as much or as little of the house that they want and will provide homes to meet their specific requirements. It is envisaged that purchasers will want varying levels of involvement, with a number likely to choose to build one of the house types from these applications and others wishing to influence the design to a point that requires a subsequent planning application.*

*Furthermore, the proposal will result in a high-quality development that will assimilate well into the landscape, with the properties designed to be a 100% and of varied appearance with a scale, massing and materials but in keeping with the local vernacular. Delivering homes this way, is an exciting and innovative solution to delivering the homes people need and it is considered that it could be a model for delivery going forward. It is therefore supported by policy at all levels.*

## 6. RELEVANT SITE HISTORY

6.1 There is no planning history in respect of the application site.

6.2 However, and in terms of the Phase I land to the south-east, in May 2014, outline planning permission was refused by the Council for the erection of 22 no. custom / self-build dwellings with associated access, parking provision and amenity space at St Edmunds Lane, Great Dunmow under ref; UTT/14/0472/OP. The indicative "Masterplan site layout for that proposal showed a courtyard style housing development positioned around a communal green incorporating informal play / open space areas with vehicular access off St Edmunds Lane between Windmill Close and Riverside. The application was refused for the following reasons:

- 1 The National Planning Policy Framework sets out that sustainable development has three dimensions comprising economic, social and environmental roles. The application site forms an important gap between the low-key dwellings to the north west and the Bowls Club to the south east and is highly

visible from St Edmunds Lane and the local public rights of way network.

- 2 The proposal would result in the urbanisation of this gap which would have a detrimental impact on the open and rural character of the surrounding countryside and the openness of the river valley. This harm to the natural environment is contrary to Policies S7 and ENV3 of the Uttlesford Local Plan (adopted 2005) and the NPPF. The benefits of the development including its contribution to the housing supply and the provision of affordable housing would not outweigh the harm caused.
- 3 There are insufficient primary and secondary school places in Great Dunmow to accommodate this level of development and the application provides no mechanism for addressing or mitigating the shortfall in the provision in the locality. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance).
- 4 The development would generate the need for the provision of 40% affordable housing. The application provides no mechanism for addressing the need for affordable housing provision. It therefore fails to comply with Policy H10 and with the adopted Developer Contributions Guidance Document adopted March 2014 (update from June 2013 and February 2014).

6.3 A subsequent appeal made against the Council's decision to refuse permission for the proposed development was allowed by the Secretary of State on 15 May 2015 following a public inquiry when the Inspector noted in her decision letter that the main issues for the appeal were a) whether or not a 5 year supply of deliverable housing land could be demonstrated; b) the effect of the proposed development on the character and appearance of the local area; c) whether or not the proposed development would represent a sustainable form of development; and d) the effect of the proposed development on community infrastructure, including schools and affordable housing.

6.4 The Inspector concluded in respect of issue a) that the Council could not demonstrate a 5-year supply of deliverable housing land and, as such, having regard to relevant NPPF guidance, the Council's relevant policies relating to the supply of housing should not be considered up to date and afforded substantial weight in this matter relating to the appeal. The Inspector concluded in respect of issue b) that the proposed development would cause some harm to the character and appearance of the area in terms of localised impacts, in particular in views from the public footpath network, St Edmunds Lane and neighbouring residential properties, having regard to the applicant's submitted Landscape Visual Appraisal and the Great Dunmow Town Design Statement, but, given the nature of these impacts, that only some weight should be afforded to the landscape changes that would result from the proposed development. The Inspector concluded in respect of issue c) that the proposal would represent a sustainable form of development having regard to local and national policy, taking into account the stated significant demand for custom and self-build dwellings within the district which "*would go some way towards meeting the needs for such housing in this area and would widen the choice of high quality homes in the district*" whereby the scheme as submitted would deliver 40% of the plots as affordable custom / self-build dwellings, and also in view of the site's close proximity to the town centre, local services and availability of public transport, notwithstanding that the proposal would involve the loss of an area of open countryside. The Inspector concluded in respect of issue d), that the proposed development would not harm community infrastructure, including school

places and affordable housing.

- 6.5 Under “*Other Matters*” in her appeal decision letter, the Inspector considered the general theme of custom / self-build housing and particularly the attempts by the Council to promote this sector of housing through the keeping of its custom / self-build housing register and the stated rate of build-out since 2012. The Inspector remarked that it was evident that there had been little opportunity for self-builders in recent years to build in Uttlesford District and that whilst some windfall sites may come forward within the next five years that such provision alone would be sufficient to satisfy identified latent demand given the current local policy vacuum in the Council’s adopted local plan (2005) relating to this form of housing, which is silent on this issue, contrary to NPPF guidance. The Inspector added that the 22-no. custom / self-build dwellings proposed for St Edmunds Lane would go some way towards meeting the needs of this sector within the local area and therefore afforded the provision of this type of housing significant weight. The Inspector further added that the obligations included within the applicant’s submitted unilateral undertaking which set out the commitment to such developments would pass the statutory tests.
- 6.6 In summing up, the Inspector remarked with regard to the planning balance and overall conclusions that “*Given that the proposal would represent a sustainable form of development, along with the need to boost significantly the supply of housing in Uttlesford and the provision of custom / self-build housing in particular, I do not consider that the loss of this open countryside and the limited harm identified to the character and appearance of the area and the other matters raised would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*”.
- 6.7 As advised, full planning permission was granted in June 2020 for the erection of 22 custom/ self-build dwellings on land to the south west of this application site under LPA reference UTT/19/1508/FUL.

## **7. POLICIES**

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

ULP Policy S7 – The Countryside  
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  
ULP Policy ENV5 – Protection of agricultural land

### **Great Dunmow Neighbourhood Plan**

Policy DS1: TDA: Town development Limits  
Policy DS8: Building for Life  
Policy DS9: Hedgerows  
Policy DS10: Eaves Height  
Policy DS11: Rendering, Pargeting and Roofing

Policy DS12: Integration of Affordable Housing  
Policy DS13: Local Housing Needs  
Policy LSC1: Landscape, Setting and Character  
Policy LSC3: The Chelmer Valley  
Policy GA-A: Public Transport  
Policy GA3: Public Transport  
Position: HEI-A: Infrastructure Delivery  
Policy NE4: Screening

### **National Policies**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

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

SPD – “Accessible Homes and Play space” (adopted November 2005)

### **Other Material Considerations**

Self-Build and Custom Housebuilding Act 2016 (as amended by the Housing and Planning Act 2016).

Essex Design Guide  
ECC Parking Standards – Design and Good Practice (September 2009)  
Uttlesford Parking Standards (February 2013)

## **8. TOWN COUNCIL COMMENTS**

8.1 The Great Dunmow Town Council OBJECTS to the proposed development, and advise:

- The Town Council objects in principle to the development as it conflicts with the Great Dunmow Neighbourhood Plan (GDNP):
- DS1: Town Development Area - The proposal is outside the TDA which aims to contain development and prevent urban sprawl.
- LSC1 Landscape, setting and character. There is concern for the harm to the character and setting of the listed building Tower House. In addition, the development would link to Character Area 4 (St Edmunds Lane) in the GDNP, which is described as surrounded by countryside, and contributes to one of the most important landscape edges around Dunmow.
- The majority of the designs are traditional in character and materials the proposal respects the low-lying nature of the outer edges of the town, with traditional tree-line streets, which all comply with GDNP policies and design objectives. If this development is considered to be sustainable, the Council would request that pargetting is included in external treatments of rendered plots to comply with policy DS11 Rendering, pargetting and roofing.
- The outlying plots with contemporary designs which would not be supported in the GDNP, however, the GDNP makes no specific reference to custom/self-build developments and these plots are sensibly located, if sound evidence of demand for those house types can be demonstrated.
- The provision of footpaths and cycleways would be a high priority for this location both on and offsite. GDNP Policy GA2 requires safer routes integral to planning how the new population will travel within the development and

the town centre and other essential services provided in the town, such as schools and health facilities. They should also be linked to the green spaces of the wildlife corridor network. The lack of cycleways is noted for this location (Character Area 4) and that footpaths play an important role connecting St Edmunds Lane with the town centre. Therefore, a financial contribution is requested for off-site cycle and footpath enhancements to mitigate the development. Foot/cycle pathways within the development should be 2m wide allow passing and be suitable for all users and abilities.

- A public transport financial contribution would be requested to a Gt Dunmow bus strategy and, if a sporting financial contribution is appropriate, funding would be requested towards a new swimming pool on the proposed new secondary school site East of Buttleys Lan, giving flexibility to upgrade existing facilities if required

## **9. CONSULTATIONS**

### **ECC Highways**

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

The Highway Authority has developed an outline public transport strategy for Great Dunmow and therefore it is recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site / along St Edmunds Lane, which currently only benefits from infrequent off-peak services, and provide support for the service for 5 years.

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

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

### **ECC SUDS**

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

### **ECC Ecology**

- 9.3 No objection subject to biodiversity mitigation and enhancement measures

## **UDC Environmental Health Officer**

- 9.4 The Council has no reason to believe this site is contaminated however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site therefore the following condition is requested:

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

## **Anglian Water**

- 9.5 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. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence”.

## WASTEWATER SERVICES Section 2 - Wastewater Treatment

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

## Section 3 - Used Water Network

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As

such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

### **Affinity Water**

- 9.6 You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Dunmow Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

### **MAG London Stansted Airport**

- 9.7 The Safeguarding Authority for Stansted Airport has advised that they have no aerodrome safeguarding objections to the proposal.

### **Essex Police**

- 9.8 Whilst there are no apparent concerns with the layout, to comment further we would require the finer detail such as the proposed boundary treatments, lighting and physical security measures. We would welcome the opportunity to consult on this self build development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award. Secured by Design produce a dedicated self build design guide that may assist those involved:-

[https://www.securedbydesign.com/images/downloads/SELF\\_BUILD\\_2019\\_BROCHURE\\_LR.pdf](https://www.securedbydesign.com/images/downloads/SELF_BUILD_2019_BROCHURE_LR.pdf)

### **UDC Affordable Housing Officer**

- 9.9 Housing acknowledges that there is not a requirement in the NPPF for self-build applications to provide affordable housing but are supportive of this application as the self-build register shows there is a demand/need for self-build within the Uttlesford District.

### **Essex County Council Place Services Archaeology**

- 9.10 Have advised that the Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits. To the

east are a series of cropmarks of enclosures and linear features (EHER 14077) and to the north (EHER 18069) a series of linear boundaries. The site also lies in close proximity to the Tower House a former mill now converted (EHER 37772).

The Historic Environment Characterisation Document shows that the slopes of the River Chelmer have been extensively occupied from the prehistoric period through to the modern day. A trial trenching evaluation on the immediate area to the south west only identified boundaries associated to agricultural use of the area (EHER 48744).

A professional team of archaeologists should undertake the archaeological work. It is recommended that an initial series of trial trenches are excavated prior to any reserved matters being submitted followed by open area excavation where archaeological deposits are identified.

The District Council should inform the applicant of the recommendation and its financial implications.

An archaeological brief detailing the requirements can be produced from this office.

### **Essex County Council Place Services Historic Environment**

- 9.11 The site affected by the application is an area of undeveloped land (agricultural) east of St Edmunds Lane, Great Dunmow. This application is for phase two following phase 1 which was granted permission for 22 self-build homes under UTT/19/1508/FUL (dated 14 July 2020). To the north west of the site is the Grade II listed building, Tower House (list entry number: 1087891). It is an early eighteenth-century windmill and house, of red brick with a domed cap.

The advice below should be read in addendum to the previous letter provided by my colleague Thomas Muston – **included in Section 11 C to this Report.**

The applicant has undertaken additional consultation and made amendments to the scheme to reduce harm whilst retaining the approximate quantum of development. With regard to the amended scheme, I consider this to be of lesser harm than the original proposal. However, this proposal will still cause harm to the significance of the Tower House.

Efforts have been made by the applicant to reduce the prominence of the development in the setting of the listed building. However, the proposal will adversely alter the agrarian setting of the Tower House, particularly views from the north and east, and wider views from the south. The rearrangement of the north boundary of the proposal has permitted some retention of the agrarian setting of the historic windmill. The principles of the harm noted in previous consultation, whilst reduced in some cases, remain relevant.

The proposal will cause less than substantial harm to the significance of the Tower House, as outlined in the previous consultation. This harm will be in the lower half of the scale of harm.

### **Essex County Council as Local Education Authority**

- 9.12 In terms of education provision, the proposal will be making contributions towards early years, primary and secondary education in order to mitigate the impacts of this proposed development. In terms of the level of contributions, these have been

agreed with the Infrastructure Planning Officer at Essex County Council as Local Education Authority, and have advised the following:

- Early Years and Childcare: £17,268.00 per place, index-linked to quarter two, 2020;
- Primary: £17,268.00 per place, index-linked to quarter two, 2020;
- Secondary: £23,775.00 per place, index-linked to quarter two, 2020.

## 10. REPRESENTATIONS

10.1 6 representations received. Neighbour notification period expired 11 December 2020, Advertisement and Site Notice expired 11 December 2020.

10.2 Summary of representations received as follows:

### Object:

- 1) This application fundamentally changes the character of the area even more. In the short term the constitution will cause massive harm to the area and the natural habitat. In the longer term there is no improvement to the infrastructure in the area. Yet again more greenfield sites are being destroyed rather than re devolving brownfield sites.
- 2) I own the land to the north of this proposed development. So far we have seen several hundred homes being built along St Edmunds Lane in the last few years. The road was too busy before these were built and is now repeatedly grid locked due to the weight of traffic combined with cars being parked on one side of the road. Meaning that St Edmunds Lane is effectively single tracked for several 100 meters. Adding yet more traffic will make the situation even worse. Secondly, I own the farmland/lakes north of these developments and consequently am subject to the footpath traffic and ramblers who have increasingly just seen my land as open space. I have received absolutely no benefit from all the building but have suffered considerable aggravation from the massive increase in footfall. If the walkers kept their dogs on leads and stuck to the footpaths there would be no issue but ... they do not. The constant traffic is damaging the ancient woodland on my land and due to the huge increase in dogs running free is destroying the ability of ground nesting birds to breed. The applicant has also created a new footpath access towards the North West which will direct walkers from all of the houses being proposed AND create access for those houses already permitted (UTT/19/1508/FUL) straight onto the paths going through my land. I have received no help from the recent developers to the south of St Edmund Lane nor have I been offered any by this new proposal to repair the damage being done by the massive increase in footfall. I was always advised that this land was not suitable for development because the land was too high, and any house could be seen by much of the town. I assume that this situation is still the same.
- 3) As a resident living on the Farm Close area just off St Edmunds Lane, I would like to make the following comments in regard to this planning application. I am not one for holding back growth of any town, however unless there is something being done about the traffic along St Edmunds lane and the highway infrastructure, then adding yet more houses will cause problems. The planning statement mentions some development of a road, yet I cannot see anything about this in the transport statement. I would also

draw your close attention to the following points:

- Transport Statement clause 2.4 states adequate street lighting along St Edmunds Lane, however as of 10th August 2020 the street lighting along the road in front of Farm Close has not worked for the last 3 years, therefore this part of the statement is not factually correct.

- Transport Statement clause 2.6 states the width of St Edmunds Lane as 6m, it does not take into account the volume of cars and heavy goods vehicles that park along the road at the North end towards the junction with the Broadway all the way up to Brick Kiln Drive, here the width is reduced to less than 4m making it impassable for 2 cars (typical SUV size is >2m) this causes all manner of congestion along St Edmunds Lane at any time other than when people are at work, including weekends. Adding yet more traffic along here without making reasonable development to St Edmunds Lane will cause problems and potentially lead to accidents.

- Transport Statement clause 2.14, 2.15 & 2.16 all talk about accidents, they are not accurate, there has been at least one accident of a vehicle turning out of Brick Kiln Drive onto St Edmunds Lane in the past 12-18 months, fortunately nobody was hurt but the driver causing the accident along St Edmunds Lane was speeding. Speeding along the road is common practice, from the Cricket club at the south end all the way up to the parked traffic towards the North End. Turning out of Brick Kiln Drive is like taking your life in your hands currently, additional houses and subsequent traffic will make this a more dangerous situation. There was also very recently within the past few weeks a more serious accident which we heard from our house half way up St Edmunds Lane on Farm Close, and which closed the junction with the Braintree Road. These are becoming more regular occurrences at this junction.

- Transport Statement clause 4.10 talks about the amount of extra traffic from this proposed additional development however it should be noted that the extra traffic generated from this development on top of what is already going to be generated from the already approved development in the same area. Breaking the transport statement into two statements / planning submissions to make the numbers seem more insignificant is not constructive. Overall, I do not feel that without addressing the highway infrastructure around St Edmund Lane, further development of houses at this time would lead to significant traffic issues in the area.

- 4) This is another example of a developer trying to maximise profit by extending a scheme of an original 22 self-build houses to now 52. If allowed this would create a significant housing estate in an area of green field countryside and completely change the character of this part of the rural aspect of Dunmow Town. The amount of traffic generated from 52 houses is significant and would cause major issues entering onto an already busy ST Edmunds Lane as there is no other entrance or exit point into or out of this planned estate. The exit point is also directly opposite my main living room so I will be subjected to constant disruption of vehicle lighting as vehicles wait to enter the highway. The disruption to existing properties will now be extended to many years as self-build developments will take much longer to be completed than a normal main contractor site development. These new proposals are an example of a developer trying to get away with building a major housing development into two distinct phases as the likelihood of approval of a 52-housing estate in one application may well have encountered many more objections and possible refusal. I sincerely hope the planning authority look carefully at these proposals and are minded to refuse the application due to its clear detrimental effect that it would have on the

rural character of this part of the Town. I would also be wary that if approval is granted then another application of additional houses will soon be presented to extend beyond and adjacent to the 30 Houses being proposed under this current application.

5) We would like it noted that we believe that anything that could possibly increase the traffic use of St Edmunds Lane would potentially cost lives. Having lived at farm Close for nearly two years we can say with confidence that had we been aware of the amount of traffic and speed the cars travel at along St Edmunds Lane we would not have purchased this property. Unfortunately, when this estate went through planning the positioning of Brick kiln Drive Was not investigated thoroughly enough, it could not have been positioned in a more dangerous position. What escalates the danger is the commercial vehicles that are allowed to be parked In the curb totally obscuring the traffic approaching from the left and the crown of the hill and the speed vehicles come around from the right makes exiting Brick Kiln Drive a accident waiting to happen. So if the same amount of consideration is given to the new proposed estate there will be more lives at risk as already due to the parked cars opposite the Bowls club you have to travel on the wrong side of the road in the path of the oncoming traffic, to add the possibility of cars pulling out from a turning on the right to this conundrum would be insane. I would like to highlight something that I find concerning. The drawing of first proposed first phase of 22 houses made it obvious that there was always going to be a 2nd phase, but planning was only sort for twenty two houses which incidentally we wasn't notified of, has to be considered low impact to the area and one could imagine that's why planning was granted, now we have a second phase in planning making a total of 52 houses, that's far more of a impact, one has to ask why was the planning requested in this way! Would 52 houses have requested in one application been rejected? As a far greater highlight to the impact of the surrounding area. We note the there is a long strip of land highlighted in red at the back of the adjoining field which leads to the lane of Merks Hall is this strip going to be developed to a road? so as the planning requests been done in a somewhat covert manner is the field behind and beyond the windmill going to be phase 3 in the very near future. What assurances can be given this is not the case.

6) I object to the application for the following reasons:

- Outside development limit/boundary: St Edmunds Lane has been the development boundary for Great Dunmow to the east.
- Drip-feed applications: would planning permission have been granted on this site (between the Bowls Club and Merks Hall Lane) for 50+ homes or, as is likely to follow; 100+ homes? A number of changes have already been submitted for the existing application for 22+ homes. The Council should be wary of changes being submitted with hidden clauses.
- Grade 2 Listed Building Tower House: substantial and significant detrimental impact on its surroundings and outlook. Increased run-off: the sloping site leading to a narrow water course is likely to cause increased flood risk.
- Substantial increase traffic: since Brick Kiln Farm development queues regularly form at the junction of St Edmunds Lane/Braintree Rd and to B1256 junction. The proposed cycle facilities do nothing

other than tick required boxes (few cyclists emerge from Brick Kiln Farm) and it is naive to assume high usage.

- Strain on local services: doctors, schools, supermarket etc are already operating at and above capacity.
- Substantial urbanisation of the greenfield agricultural land: wildlife has already been affected by changes made to the lower site eg deer unable to pass.

I would urge the Planning Officer to carefully consider the above points and ensure a thorough, comprehensive, long-term view is taken in respect of this application to prevent urbanisation of this area with ancient woodland and a listed building in close proximity.

## 11. APPRAISAL

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

- A Principle of development – provision of custom / self-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision (NPPF, ULP Policies S7, H1, GEN3 and GEN6, GDNP Policies DS1: TDA, LSC1, LSC3, GA-A, HEI-A).**
- B Whether means of access would be satisfactory / sustainable transport measures (ULP Policy GEN1, GDNP Policy GA3).**
- C Heritage Impacts (ULP Policies ENV2 and ENV4, GDNP Position LSC-A).**
- D Layout, Scale and Appearance (ULP Policy GEN2, GEN8, GDNP Policies DS8, DS10, DS11, DS12).**
- E Landscaping (ULP Policy GEN2, GDNP Policies DS9, NE4).**

- A Principle of development – provision of custom / self-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision (NPPF, ULP Policies S7, H1, GEN3 and GEN6, GDNP Policies DS1: TDA, LSC1, LSC3, GA-A, HEI-A).**

11.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

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

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

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

(c) any other material considerations.

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

11.2 The National Planning Policy Framework 2019 is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant

development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

11.3 Paragraph 14 of the NPPF continues by stating:

*In situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

*a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*

*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*

*c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*

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

11.4 In terms of paragraph 14 a) of the NPPF, the Great Dunmow Neighbourhood Plan is more than 2-years old (it was adopted on the 08<sup>th</sup> December 2016), and therefore cannot be considered in the context of housing supply provision.

11.5 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.11-year land supply. It is therefore necessary to establish if the 'tilted balance' is engaged in decision making in this instance, in terms of the contribution this proposed development makes to Land Supply within Uttlesford. Further, the Uttlesford District Councils Housing Officer is supportive of this application as the self-build register shows there is a demand/need for self-build within the Uttlesford District.

11.6 As mentioned previously in this report, the principle of custom / self-build housing at this edge of town location lying outside development limits and outside the GDNP Town Development Area has already been established by reason of the granting of outline planning permission on appeal on land to the south west of this application site, under ref; UTT/14/0472/OP for 22 no. custom / self-build dwellings at St Edmunds Lane, whereupon a DFO application has been subsequently granted pursuant to this approval in principle for the same quantum of dwellings under UTT/17/3623/DFO. A further full application was granted in June 2020; LPA reference UTT/19/1508/FUL

- 11.7 The site is currently in agricultural production and the impacts upon countryside character for the current application need to be assessed in the context of other approved schemes recently, but also in terms of the particular landscape impacts of this proposed development. This assessment will be carried out within Section E - Landscaping of this part of the Report.
- 11.8 Essex County Council SUDS Team have reviewed the submitted Flood Risk Assessment and find it to be acceptable, subject to conditions. A commuted payment will be made to the Local Highway Authority to contribute towards a bus strategy for Great Dunmow. In addition, highway improvements will be secured in the vicinity of the site onto St Edmunds Lane.
- 11.9 In terms of education provision, the proposal will be making contributions towards early years, primary and secondary education in order to mitigate the impacts of this proposed development. In terms of the level of contributions, these have been agreed with the Infrastructure Planning Officer at Essex County Council as Local Education Authority, and have advised the following:
- Early Years and Childcare: £17,268.00 per place, index-linked to quarter two, 2020;
  - Primary: £17,268.00 per place, index-linked to quarter two, 2020;
  - Secondary: £23,775.00 per place, index-linked to quarter two, 2020.
- 11.10 As such, the proposal as submitted would comply in principle with the NPPF, ULP Policies S7, H1, GEN3 and GEN6 and GDNP Policies DS1: TDA, GA-A and HEI-A.

**B Whether means of access would be satisfactory / sustainable transport measures (ULP Policy GEN1, GDNP Position GA-A: Public Transport, Policy GA3: Public Transport.**

- 11.11 The proposed development is served from the access arrangement and internal access road to be constructed under UTT/19/1508/FUL. Therefore, if this planning consent were to be implemented, the access arrangement, internal access road and associated footway with pedestrian crossing point of St Edmunds Lane st be constructed, prior to commencement of the development, to ensure safe and suitable access to the site is provided.
- 11.12 The Highway Authority has developed an outline public transport strategy for Great Dunmow and therefore we are recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site / along St Edmunds Lane, which currently only benefits from infrequent off-peak services, and provide support for the service for 5 years.
- 11.13 The applicant has agreed to make a commuted sum of £110,450 (index linked) prior to first occupation of the development to be paid to the local planning authority to contribute to a bus strategy for Great Dunmow whereby this sum has been requested by ECC Highways in their consultation response of 12 November 2020 which would provide a regular service to the proposed development / along St. Edmunds Lane in the interests of reducing the need to travel by car and promoting sustainable development and transport. This local bus strategy is promoted under Position (Statement) GA-A: Public Transport within the Great Dunmow Neighbourhood Plan (GDNP) which states that "Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow", whilst Policy: GA3: Public Transport

states that “New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this”.

- 11.14 This financial commitment by the applicant is welcomed, particularly in view of the current uncertainty surrounding the continuation of the 313/313A bus service which currently runs down St Edmunds Lane from Tesco and Saffron Walden where bus stops currently exist within the immediate vicinity of the proposal site and where the Council understands that this potential axing of the service would be as part of this overall enhanced public transport strategy for the town. The agreed commuted sum would form part of a S106 agreement should planning permission be granted for the scheme together with the upgrade of existing bus stops in St Edmunds Lane. In the circumstances, the proposal would comply with ULP Policy GEN1 and GDNP Position (Statement) GA-A: Public Transport and Policy GA3: Public Transport.

### **C Heritage Impacts (ULP Policies ENV2 and ENV4, GDNP Position LSC-A).**

- 11.15 The application site lies in proximity to the Grade II listed building at Tower House, to the north west of the application site. Tower House is an early eighteenth-century windmill and house, of red brick with a domed cap. The application site also lies in a potentially sensitive area of archaeological deposits.
- 11.16 In terms of impacts upon the Grade II listed windmill and house, the Historic Environment Team Place Services Essex County Council initially commented on the application in August 2020, making the following observations:

*The proposed includes 30 self-build dwellings, infilling the site. The setting of the listed building will be affected by the development, the existing site positively contributes to its setting and significance through being undeveloped land which preserves its sense of tranquillity and isolation. In particular, the proposed will further separate the listed building from its agrarian context, undermining its significance. Visually the proposed will be intrusive and other factors such as light pollution, noise pollution and general disturbance must be taken into consideration.*

*The proposed would, I feel, present the harmful sprawl and urbanisation of the site resulting in several impacts to the designated heritage asset, especially considering the diurnal, environmental and seasonal changes. The proposed development would therefore adversely alter the experience, understanding and appreciation of the listed building. The harm to the designated heritage asset is considered to be 'less than substantial', Paragraph 196 of the National Planning Policy Framework (2019) is therefore relevant. Considering the topography of the site, and the impact mentioned above, I consider the 'less than substantial harm' to lie towards the middle of the spectrum.*

- 11.17 Following discussions, a meeting was held at the site in February 2021 with the applicant/ agent, together with Representatives of the Historic Environment Team and Uttlesford District Councils Planning Department. The result of that meeting was the submission of amended layout drawings, that attempted to reduce harm to the heritage asset at Tower House. In this regard, and following the receipt of the amended layout drawings, the Historic Environment Team made the following further representations:

*The applicant has undertaken additional consultation and made amendments to the scheme to reduce harm whilst retaining the approximate quantum of development. With regard to the amended scheme, I consider this to be of lesser harm than the*

*original proposal. However, this proposal will still cause harm to the significance of the Tower House.*

*Efforts have been made by the applicant to reduce the prominence of the development in the setting of the listed building. However, the proposal will adversely alter the agrarian setting of the Tower House, particularly views from the north and east, and wider views from the south. The rearrangement of the north boundary of the proposal has permitted some retention of the agrarian setting of the historic windmill. The principles of the harm noted in previous consultation, whilst reduced in some cases, remain relevant.*

*The proposal will cause less than substantial harm to the significance of the Tower House, as outlined in the previous consultation. This harm will be in the lower half of the scale of harm.*

- 11.18 In terms of the “tilted balance”, as set out in A of this Section of the Report, paragraph 196 of the National Planning Policy Framework 2019 (NPPF) advises that:

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

- 11.19 Colleagues at the Place Services Historic Environment Team have advised that the harm to Tower House would be at the lower half of the scale of harm as set out in paragraph 196 of the NPPF. Further, the proposal would contribute to the shortfall of housing land supply within Uttlesford, which currently stands at 3.11 years. Finally, the Uttlesford District Councils Housing Officer is supportive of this application, as the self-build register shows there is a demand/need for self-build within the Uttlesford District.

- 11.20 In terms of archaeological impacts, the Specialist Archaeological Adviser at Place Services, Essex County Council have reported that the application site has the potential for surviving archaeological deposits and has recommended a series of pre-development conditions of archaeological investigation and reporting.

- 11.21 Therefore, and on balance, the proposed development would comply with the provisions of ULP Policies ENV2 and ENV4, and GDNP Position LSC-A

**D Layout, Scale and Appearance (ULP Policy GEN2, GEN8, GDNP Policies DS8, DS10, DS11, DS12).**

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

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

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

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

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

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

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

- 11.25 The scale of the house types and garaging, however, would be fixed by various building parameters from the Design Code.

Plot no.	Area	Eaves height (m)	Ridge height (m)	Building width (m)	Building depth (m)
Plot 1	1	4.1	6.8	8.8	5.9
Plot 2	1	5.1	7.9	9.1	5.9
Plot 3	2	5.0	8.9	9.5	9.2
Plot 4	2	4.4	7.2	11.6	11.2
Plot 5	2	4.5	8.0	14.0	9.0
Plot 6	2	2.7	5.6	26.0	8.8
Plot 7	2	5.2	7.9	15.6	11.5
Plot 8	2	5.0	8.9	9.5	9.2
Plot 9	2	5.1	8.9	14.3	6.5
Plot 10	2	5.1	8.9	14.3	6.5
Plot 11	1	4.9	9.0	24.9	9.9
Plot 12	1	4.9	9.0	24.9	9.9
Plot 13	1	4.9	9.0	24.9	9.9
Plot 14	1	5.1	8.3	14.3	7.0
Plot 15	1	5.1	8.3	14.3	7.0
Plot 16	1	4.9	9.0	9.9	6.0
Plot 17	1	4.9	9.0	9.9	6.0
Plot 18	2	4.1	6.8	8.8	5.9

Plot 19	2	4.1	6.8	8.8	5.9
Plot 20	3	4.5	8.0	14.0	9.0
Plot 21	3	5.9	5.6	12.9	10.0
Plot 22	3	5.9	5.6	12.9	10.0
Plot 23	3	5.9	5.6	12.9	10.0
Plot 24	1	4.3	3.2	29.6	11.7
Plot 25	1	5.2	8.6	14.9	9.8
Plot 26	1	5.1	9.2	9.9	12.3
Plot 27	1	5.7	9.6	9.1	13.0
Plot 28	1	5.1	9.2	9.9	12.3
Plot 29	1	4.5	8.0	14.0	9.0
Plot 30	1	5.1	9.2	7.9	11.5

- 11.26 The dwellings would comprise generally a mix of 1, 1½ and 2 storey dwellings across the development, although there would be a few 2½ storey dwellings within the variable house types within the centre of the site. A series of photomontages have been produced in accordance with the methodology as set out in Landscape Institute Technical Guidance, which particularly taking into account the slope in the site from footpath vantage points locally and representing the visual impacts upon the listed building.
- 11.27 Each plot has sufficient garden amenity space to serve the maximum size property which could be achieved for that plot given the extension/garage options. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application
- 11.28 Each plot would have sufficient parking provision for the maximum sized property which could be constructed for each plot. The on-plot provision parking provided for several plots within the development would exceed the minimum parking standards for the bedroom specification of dwelling involved, meaning that sufficient visitor parking would be provided across the development.
- 11.29 In terms of appearance, the application relates to a custom / self-build housing scheme which by its very nature as emphasised by the applicant in the submitted supporting statement requires a degree of flexibility in design approach. Therefore, the issue of appearance, like layout, scale and landscaping can only be assessed in terms of their broad approach. If these are considered to be acceptable, then the parameters would be agreed subject to a condition requiring the final details in respect of these matters to be submitted for approval prior to works commencing on that plot.
- 11.30 However, the proposed properties would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, painted render, flint, timber windows and doors, exposed rafter feet, hand-made clay tiles and natural slate whereby this would provide modern housing in a traditional vernacular that would respect the character and appearance of the local area.
- 11.31 The range of materials presented is considered to be acceptable and would be in accordance with ULP Policy GEN2 and GEN8 of the adopted Uttlesford Local Plan 2005, and Policy DS8, DS10, DS11 and DS12 of the Great Dunmow Neighbourhood Plan.

**E Landscaping (ULP Policy GEN2, GDNP Policies DS9, NE4).**

11.32 A landscaping scheme and strategy have been submitted with the application. It is proposed to plant native species hedges between each plot, with specimen trees to create a semi-rural appearance. A tree belt is also proposed around the LAP that will screen the development from the north and create a high-quality public open space. The existing vegetation to the south will be retained and enhanced. The proposed mix of planting is considered to be appropriate for this edge of settlement site and no objections are therefore raised under ULP Policy GEN2 and GDNP Policies DS9 and NE4.

**12. PLANNING BALANCE**

12.1 The planning merits of the submitted proposal are to be considered in the context of the extent of compliance of relevant adopted/made plan policies with the National Planning Policy Framework 2019 and the weight to be applied to each policy as set out in the table below:

<b>Policy</b>	<b>Proposal in accordance with policy?</b>	<b>Policy compliant with the NPPF</b>	<b>Weight</b>
<b>Uttlesford Local Plan 2005</b>			
S7	Proposal fails to comply with Policy S7, but previous housing scheme allowed at appeal on adjoining site	Partially compliant	Moderate
H1	Policy H1 is one of a suite of housing policies that establishes the spatial strategy for the district	Non-compliant	No weight
GEN1	Proposal would comply with Policy GEN1	Generally consistent	Moderate
GEN2	Proposal complies with Policy GEN2	Generally consistent	Moderate
GEN3	Proposal complies with GEN3 with appropriate mitigation subject to completion of a S106 Agreement	Partly consistent	Limited
GEN6	Proposal complies with Policy GEN6 with appropriate mitigation subject to completion of a satisfactory S106 Agreement	Generally consistent	Full
GEN8	Proposal complies with Policy GEN2	Generally consistent	Moderate

**Great Dunmow Neighbourhood Plan**

DS1: TDA	Proposal fails to comply with DS1: TDA, but previous housing scheme allowed at appeal on adjoining site	Consistent	Significant
LSC1	Proposal fails to comply with LSC1, but previous housing scheme allowed at appeal on adjoining site	Consistent	Significant

LSC3	Proposal fails to comply with LSC3, but previous housing scheme allowed at appeal for this site	Consistent	Significant
DS8	Proposal complies with DS8	Consistent	Significant
DS9	Proposal complies with DS9	Consistent	Significant
DS10	Proposal complies with DS10	Consistent	Significant
DS11	Proposal complies with DS11	Consistent	Significant
DS12	Proposal complies with DS12 subject to completion of a satisfactory S106 Agreement	Consistent	Significant
NE4	Proposal complies with NE4		
GA-A	Proposal complies with GA-A subject to completion of a satisfactory S106 Agreement	Consistent	Significant
GA3	Proposal complies with GA3 subject to completion of a satisfactory S106 Agreement	Consistent	Significant
HE1-A	Proposal complies with HE1-A subject to completion of a satisfactory S106 Agreement	Consistent	Significant

12.2 From the above, it is considered when taking the Framework as a whole that the benefits of the proposal, where mitigation has been offered in order to make the development acceptable, are considered not to outweigh the harm which would be caused to the character of the rural area, and any *less than substantial harm* to the significance of the Grade II listed building at Tower House. The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

### 13. CONCLUSION

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

**A** The principle of custom / self-build housing development at a greenfield site has already been established at appeal under ref; UTT/14/0472/OP and full application was granted in June 2020; LPA reference UTT/19/1508/FUL on land to the south west.

**B** Vehicular access arrangements are considered acceptable. The applicant has agreed to make a commuted sum of £110,450 (index linked) prior to first occupation of the development to be paid to the local planning authority to contribute to a proposed bus strategy for Great Dunmow in the interests of promoting sustainable development and transport and also to provide upgraded bus stops along St Edmunds Lane.

**C** On balance, the proposed development would protect heritage assets locally.

**D** The plans indicate the maximum scale and layout of the proposed development. The final layout and scale of the dwellings will need to be secured by way of condition. The proposed palette of materials and appearance of the proposed development are considered to be appropriate. The final selection of materials for each plot will need to be secured by condition.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS WITH S106**

- (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 18 April 2020 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) Custom / self-build dwellings**
  - (ii) Payment of early years, primary and secondary education contributions**
  - (iii) Payment of sustainable transport commuted sum contribution towards a public transport strategy for Great Dunmow**
  - (iv) Pay the Council's reasonable legal costs.**
  - (v) 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) Failure for legal mechanism to exist for custom / self-build dwellings.**
  - (ii) Non-payment of early years, primary and secondary education contributions**
  - (iii) Non-payment of sustainable transport commuted sum contribution towards a public transport strategy for Great Dunmow.**
  - (iv) Non-payment of the Council's reasonable legal costs**
  - (v) Non-payment of the monitoring fee**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on the Landscape Strategy drawing 565.123 A prepared by Pelham Structures. The works shall be carried out before any part of the development is occupied or in accordance with a programme agreed with the local planning authority in accordance with ULP Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).  
REASON: In the interests of the appearance of the site and the area in accordance with ULP Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
  
3. Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options and layout within the plot

and the materials to be used in the construction for that plot shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.

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

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

- i. formalisation of the bus stop / improvements to the passenger transport infrastructure at the 'informal' bus stop located on the east of St Edmunds Lane along the site frontage, including raised kerbs, hardstanding, flags, timetables, pedestrian crossing points, a length of footway from the site access to the bus stops, and any other related infrastructure as deemed necessary by the Highway Authority.

- ii. Provision of a Vehicle Activated Sign (VAS).

The infrastructure shall be provided entirely at the expense of the developer including any required safety audits, traffic regulation orders and other requirements for technical approval.

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

5. 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 Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

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

- i. Safe access into the site;

- ii. The parking of vehicles of site operatives and visitors;

- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of

9. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- If infiltration is to be found unviable then discharge rates should be limited to 4.3l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

Note: 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.

10. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- REASON: Paragraphs 163 and paragraph 170 of the National Planning Policy Framework state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

Note: 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.

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

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

- 14.. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (A R Arbon, February 2020), Bat Survey (Essex Mammal Surveys, October 2019), Landscape and Enhancements Plan (Pelham Structures Limited, December 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, biodiversity enhancements including integrated bat boxes, Sparrow Terrace, bird boxes, native planting and Hedgehog nesting boxes.

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).

15. 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, 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).

16. Prior to commencement, a biodiversity management plan shall be submitted to and approved in writing by the local planning authority.

The BMP 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 BMP 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).

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

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

18. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 17 above.

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

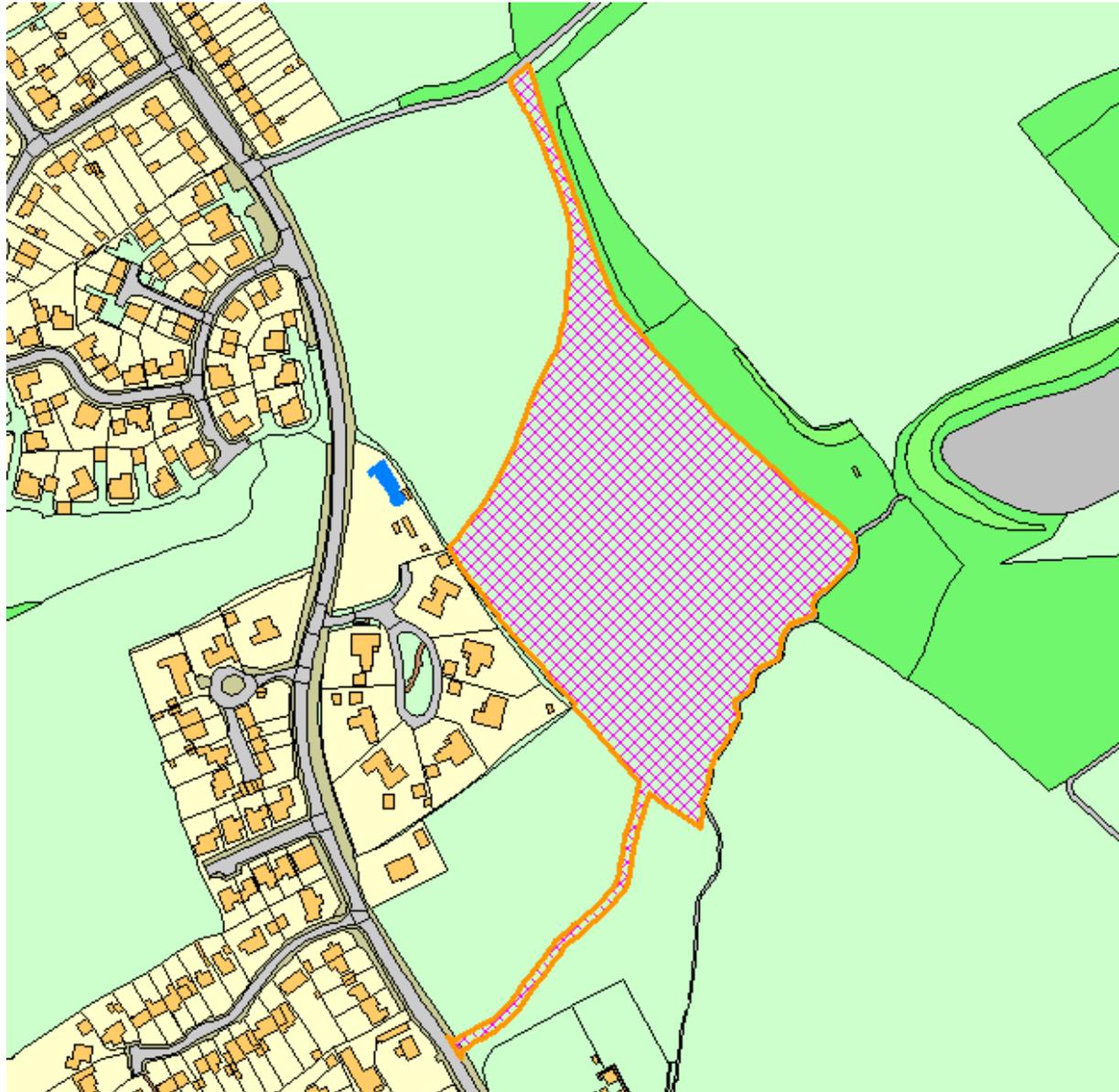
19. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation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

REASON: The Historic Environment Record shows the proposed development lies

in a potentially sensitive area of archaeological deposits, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan 2005

20. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council

Date: 09<sup>th</sup> June 2021

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