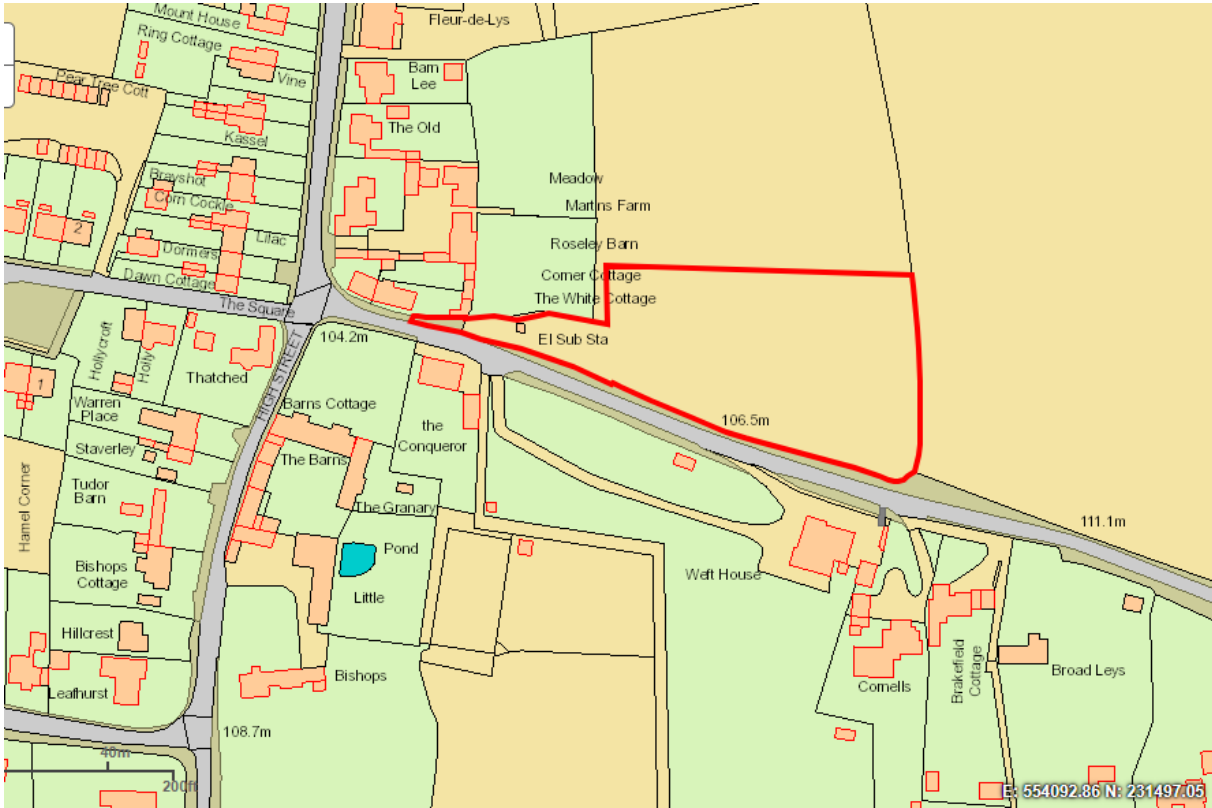


# REFERENCE NUMBER: UTT/21/2137/FUL

## LOCATION: Land To The North Of Cornells Lane, Widdington, CB11 3SG

### SITE LOCATION PLAN:



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Organisation: Uttlesford District Council : 28<sup>th</sup> February November 2022

**PROPOSAL:** Proposed erection of 4 no. detached dwellings and associated works

**APPLICANT:** Mr and Mrs M. Tee

**AGENT:** Mr Chris Loon- Springfields Planning and Development

**EXPIRY DATE:** 18<sup>th</sup> March 2021

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits,  
Protected Lane;  
Conservation Area and Listed Building (adjacent).

**1. RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**  
**1.1 CONDITIONS:**

1.1.1 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

1.1.2 Prior to occupation of the development, the access at its centre line shall be provided with visibility splays of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

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

1.1.3 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as shown in principle on DWG no. P5004-10.Rev. B (Title– Proposed Site Layout Plan) shall be provided. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

1.1.4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

1.1.5 The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

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

- 1.1.6 The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use, with the provision of a pedestrian access into the development site provided.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.1.7 The width of public footpath no. 17 (Widdington) must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.1.8 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 highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.1.9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (SES, June 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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 Natural Environment and Rural Communities Act' Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 1.1.10 Prior to the commencement of the development above slab level a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal (SES, June 2021).

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) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

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 Natural Environment and Rural Communities Act' 2006 ( Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 1.1.11 Prior to the occupation of the development hereby approved 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 Natural Environment and Rural Communities Act' Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 1.1.12 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 indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a

sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 1.1.13 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation.

REASON: The Historic Environment Record indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 1.1.14 The applicant/developer shall 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). The assessment shall comprise 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 indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 1.1.15 Prior to the commencement of the development above slab level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.1.16 Prior to commencement of the development hereby approved a detailed hard and soft landscaping scheme (including planting, hard surfaces, footpaths and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.1.17 Prior to commencement of the development hereby approved, a detailed cross sections drawing including the details/ materials and appearance of any retaining features for the construction of the highway access and internal road shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.1.18 Prior to commencement of the development hereby approved a detailed plan of the proposed Ecological Area as shown on Drawing no. P5004-10 B (Proposed Site Layout Plan); and future maintenance details shall be submitted to and approved in writing by the Local Planning Authority.

The completion of the ecology area shall all be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner.

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 Natural Environment and Rural Communities Act' 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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)”.and in accordance with the guidance in Approved Document S 2021.

- 1.1.21 Prior to first occupation of each dwelling hereby approved the renewable features/ climate control measures associated with that dwelling as specified in the submitted Sustainability Statement (Abbey Consultants June 2021) shall be installed into the development as built and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

- 1.1.22 The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

- 1.1.23 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 Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

- 1.1.24 Prior to the commencement of the development hereby approved details of surface and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall not be changed without the prior written consent of the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

## **2. DESCRIPTION OF THE SITE :**

- 2.1 The site is located to the north of Cornells Lane, Widdington. It comprises an undeveloped field with an access in the south-west corner and a public footpath inside its eastern boundary. The application site measures 0.48ha and comprises part of a much larger area of managed paddock land measuring approximately 1.34ha.

## **2.2 PROPOSAL**

- 2.3 The application is for planning permission for the erection of 4 no. detached dwellings and associated works. A vehicular access off Cornells Lane would be formed near the south-west corner of the site, and a footpath would be formed to the south of the site to the public right of way to the east of the site.

2.4 The proposal will include the following housing scheme;

Plot	Type	Bedrooms	Garden Size sqm	Open Market/Affordable	Parking
1	House	3	100+	Open Market	2
2	House	3	100+	Open Market	2
3	House	3	100+	Open Market	2
4	Bungalow	2	100+	Open Market	2

### 3 ENVIRONMENTAL IMPACT ASSESSMENT

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

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

### 4. APPLICANTS CASE

4.1 The applicant has provided a Design and Access Statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

4.2 Other documents included with the application include:

- Access Assessment,
- Arboriculture Impact Assessment ,
- Ecological Appraisal,
- Energy Statement,
- Flood Risk Assessment,
- Heritage Statement,
- Sustainability Appraisal

### 5. RELEVANT SITE HISTORY

5.1 UTT/18/0885/FUL- Construction of 20 new dwellings, including 8 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping  
REFUSED- 16/10/2018  
APPEAL DISMISSED

5.2 UTT/19/2623/FUL  
Construction of 15 new dwellings, including 6 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping



REFUSED 3/3/2020

## 6. CONSULTATION RESPONSES:

### Widdington Parish Council

- 6.1 The Parish Council have provided a 41 page objection letter to the proposed development, the subjects of the objection include:

The Development Plan  
Sustainability and Spatial Strategy  
The Access and the Protected Lane  
Other Heritage Assets  
Countryside and landscape character  
Agricultural Land

The application has some deficiencies:  
one of the main objections is the impact on the banking (including trees and hedgerow) on the northern side of Cornells Lane (a Protected Lane), yet the nature of that impact (of whatever scale) is not illustrated either as detailed and annotated drawings and sections or as photomontages

Access to the site is by way of a 5.5m access road which would have a steep incline to meet the difference between the level of Cornells Lane (104.7m AOD) and the general site level (approximately 108m AOD1), just how this would be achieved and the extent of earthmoving or retaining walls is not shown.

The Location Plan shows the red line site boundary. There seems to be land outside the land ownership/red line (including highway land) which is shown with proposals on it in the Site Layout Plan, Access Assessment plan and Arboricultural Impact Assessment Report plan. These plans should also show a red line boundary with an explanation of how proposals can be carried out on land outside the site. The RPTC report also states that the creation of the access road and swept path will require land outside the site (part of Roseley Barn), and there is a strip of land to the south of Roseley Barn which is outside the red line.

Further information should be sought on the mitigation and boundary treatment along the northern boundary to the site – the current planting on Block Plan appears arbitrary.

The principal reference is the Appeal Decision<sup>2</sup> made recently on 30.1.20. This clearly has significant implications for consideration of this application, but is briefly referred to in two paragraphs of the Planning Design and Access Statement (PDAS)

Other important references for the consideration of this application must be the decisions taken on previous applications as recorded in Section 2 below (history) Both previous applications for 20 dwellings (UTT/18/0885/FUL) and 15 dwellings (UTT/19/2623/FUL) were refused permission by UDC for reasons still valid for the current application.

- 6.2 The Development Plan;

The Development Plan essentially comprises the Adopted Uttlesford Local Plan 2005 (ALP) and the relevant policies were 'saved' by the Secretary of State on 21

December 2007. The ALP, being the development plan, should be given full weight unless material considerations indicate otherwise. The case for WPC includes that the proposals are contrary to its principal policies.

Whilst it is accepted that UDC is currently unable to identify a five-year supply of housing land, such that NPPF para 11 d) is engaged, the adverse impact of granting permission would significantly and demonstrably outweigh any benefits. Whatever benefits may be claimed there is no benefit being offered to the community of Widdington in terms of new or enhanced facilities.

Tilted Balance;

It is accepted that UDC cannot demonstrate a five-year housing land supply so that this is a material consideration and NPPF para 11d) ii is engaged.

Our case is that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefit of the development of the site with 4 dwellings.

The 'significant and demonstrable harms' which outweigh that limited benefit are set out in this Section of the Statement, making specific reference to the Appeal Decision.

### 6.3 Sustainability and Spatial Strategy;

Spatial strategy

The Spatial Strategy of the ALP6 is to concentrate development at the existing main settlements of Great Dunmow, Saffron Walden and Stansted Mountfitchet together with new development along the A120 corridor.

The spatial strategy of the ALP reflects the need for a sustainable development pattern in the district which should not be abandoned just because the housing land supply is deficient. New development should still be located in sustainable locations rather than scattered anywhere in the District just to make up the numbers. The site is not "in the right place" (NPPF para 8).

Widdington was defined in the ALP as one of the 'other villages' where new development should be Where these have development limits, those boundaries will be tightly drawn. There is some limited potential within these boundaries on small previously developed sites, including gardens of existing houses. Local affordable housing and community facility needs may be met on "exception sites" outside development limits.

Policy H1 (Housing Development) indicates the pattern and location of development which reflects the spatial strategy. It indicates where housing is to be located at the main towns – Gt Dunmow, Saffron Walden, Stansted Mountfitchet, and smaller other settlements - Birchanger,

Takeley, Thaxted, Gt Easton. There is no mention of Widdington.

Whilst ALP Policy H3 is entitled 'Houses within Development limits' it makes reference to 'windfall sites' which is relevant to the appeal. H3 begins as follows

Infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and

settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:

- a) The site comprises previously developed land;
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;
- d) Development would support local services and facilities; and
- e) The site is not a key employment site.
- f) Avoid development which makes inefficient use of land.

The list of settlements which follows includes Widdington.

There can be no dispute that the proposal is not 'within the development limits' nor 'infilling'. It is clearly within the category of 'windfall' and it at least fails the important tests of H3 a) and c) in a list where 'all' of the criteria must be met.

Accordingly, it is our case that the proposed development is contrary to ALP Policies H1 and H3 and therefore cause significant and demonstrable harm

Widdington is not expected to accommodate any new development apart from infill which means a single dwelling in a gap between others. The site cannot be considered 'infill' in anyway.

The proposal for further residential development in this small, attractive, rural village is contrary to the principles of any reasonable spatial strategy for the District.

#### 6.4 Sustainability:

The planning statement makes brief reference to sustainability in the Summary and Conclusions. NPPF para 8 is referred to in PDAS para 7.7 claiming the social benefit is the delivery of 4 dwellings. It is claimed that the development is within walking distance of the facilities and services of the village which are essentially:

- a village hall
- public house
- church
- playing facilities
- allotment
- various weekly mobile facilities

It is clear that such facilities fall well short of weekly needs for schooling, retailing, employment, medical facilities, social facilities. To get to these facilities in larger settlements in the District would be mainly by car because the bus service is sporadic. There is no evidence that walking or cycling to locations outside the village would be anything more than very rare. The Inspector's comments in December 2020 remain valid:

I accept that there may never be any guarantees, that I should have confidence it [the bus service] will continue beyond that period [after 2021] is simply not borne out in the evidence before me. Whilst an initial public consultation should be given little weight, it nevertheless indicates the potentially fragile and uncertain nature of the future of this service.

There can be no other conclusion that Widdington and the site are not sustainable locations for residential development. Travel out of the village is very unlikely to be by way of walking, cycling or by bus. It will be overwhelmingly by private car. This would be contrary to ALP Policy GEN1 and NPPF paras 105, 110 and 112

#### 6.5 The Access and the Protected Lane:

The means of access is dealt with in full by the Railton Transport Assessment and impacts in the Alison Farmer Landscape Review submitted by the Parish Council.

In essence, the nature of the site access would create an ugly 'urban gap' with severe effects on the bank and vegetation to the north side of Cornells Lane, which is vital to the preservation of the character of the Preserved Lane. Even as proposed, significant earth works, and/or retaining walls together with loss of vegetation would occur. Details are seriously lacking about what this would look like, but the basics can be worked out.

Furthermore, the proposed access does not meet the ECC highway standards in the Essex Design Guide Highways Technical Manual (HTM). The application Access Assessment at p6 'As determined in Section 4.1, the access drive will have a gradient of 8%, as required by the Essex Design Guide', but does not make reference to para 6.10 (Appendix of the RTA) which requires that 'For all junctions, the approach gradient should be no steeper than 2.5% within 10m of the junction.' This is for obvious reasons that too steep a slope could lead to vehicles having difficulty entering and leaving the site

The RTA states para 4.4 'If the road were to be constructed as proposed it would be dangerous both for vehicles entering the site being destabilised by turning sharply from a flat to a sloping surface, and dangerous for vehicles leaving the site on a steep slope with a risk of skidding out into the existing carriageway, especially in wet or icy weather.

In conclusion, the proposals suffer from a lack of opportunities for sustainable travel. The design of the access (such that it is) shows an access which is dangerous for vehicles and pedestrians, and lacks adequate sight lines. Moreover, the applicant has failed to provide important and necessary information to demonstrate how access can be achieved (without impacting on third party land). It is also clear that the extent of earthworks and the retaining walls would have a significant adverse impact on the bank and vegetation at the important entry to the Protected Lane (Cornells Lane) and the immediate Listed Buildings.

#### 6.6 Other Heritage Assets

The Inspector in the 2020 dismissed appeal was highly critical of the then proposals because (in addition to the Protected Lane paras 29, 30) of the impact on heritage assets which he listed in paragraphs 18 - 28:

The Fleur-De-Lys Public House  
Church of St Mary the Virgin  
White and Corner Cottages  
Widdington Conservation Area

- 6.7 Some of the criticism arose because the views from the public footpath system across the (proposed) site and larger paddock would be cut off by the then proposed development.

The applicant has since erected a tall fence which is described as follows:<sup>17</sup> The 1.8m fence to the east of the site was recently erected under permitted development rights, in response to trespass and amenity problems arising. Its erection has had the effect of curtailing or limiting views across the application site and the wider paddock. At time of writing there is a central section of fence beyond the application site (adjacent the retained paddock's eastern boundary) which has a frame with mesh netting but has not yet been completed with close boarding but could occur under permitted development rights.

Further north along the paddock's eastern boundary, the final section of fence has been close boarded.

Whilst the 'trespass and amenity problems' are unspecified (and could conceivably been achieved by a wire type fence which would have allowed views through it) it has been made clear that the effect has been 'of curtailing or limiting views across the application site and the wider paddock'. It may be that much of the Inspector's previous objections have been nulled by this act, and walkers along the footpath have been denied a view of the Conservation Area and Listed Buildings by the fence, but which would be exacerbated by the proposed development.

NPPF para 196 may be relevant: '*Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision*'.

In any event, the Conservation Area and its setting would be adversely affected by the development being of an entirely different character. The Inspector concluded (para 26):

The significance of the Widdington Conservation Area ('the WCA') derives, in part, from its intimate, linear form closely following the boundaries of properties along High Street. There is a looser and more spacious pattern of development to the north of the village around the green and church, including some 20th century development within its setting. There are a number of open spaces including residential gardens, amenity land and open fields and countryside that connect the settlement with the surrounding countryside and gives the village and the WCA a strong agrestic setting. The appeal site allows for a clear appreciation of the historic form and appearance of the WCA in its rural setting. Although setting is not referred to in the WCA appraisal that is not uncommon as such appraisals tend to focus on the WCA not its setting, which can alter over time.

The Inspector also listed the impact on the Grade II building William The Conqueror: This 2 storey former public house, fronts directly onto Cornells Lane and is located in close to the carriageway and opposite the location of the proposed passing place and pedestrian entrance to the site. The proposal would result in an increase in noise, vibrations and vehicle emissions from additional vehicular traffic. The passing place would increase dwell times for vehicles using the lane, directly outside and close to the building, including Heavy and Light Goods Vehicles and agricultural machinery. This would exacerbate these effects,

potentially affecting its fabric and resulting in visual distraction from the asset and diluting the appreciation of it from the lane.

On entering the lane there is a notable absence of development within the appeal site and only a limited perception of residential development further up the lane. The eye would be unacceptably drawn to the upper stories and roofs of plots 1, 2 and 18 and 19 would be visible through the new footpath link, sitting at a higher level. Overall, there would be some harm to the setting by virtue of such development and activity associated with it, within its setting.

The 'passing place' has now become an access which will destroy a section of the bank, trees and vegetation to create an engineered structure far more damaging to the setting of this listed building.

The Inspector's conclusion on heritage assets was (para 31):  
The appeal site is an important component of the setting of a number of listed buildings and the WCA and accessed from a non-designated asset. For the reasons given above it would harm the significance of these by virtue of such development within their setting. In Framework terms, the harm in each case would be less than substantial. The proposal would conflict with Policy ENV2 of the LP insofar as it would adversely affect the setting of listed buildings. There is some dispute as to the consistency with the Framework and the weight to be given to the heritage policies of the LP. Policy ENV2 does not require the same balancing exercise as the Framework but nonetheless it is essentially reflecting the statutory duty contained in legislation and reflected in the Framework. I return to this in the balancing exercise below.

And at para 50:

The proposal would cause significant environmental harm in terms of its effects on the character and appearance of the area and moderate harm due to its location and accessibility. Although I have found particular policies that protect assets of particular importance do not provide a clear reason for refusing the development proposed, nevertheless, and in accordance with the statutory duty and paragraph 193<sup>19</sup> of the Framework, great weight should be given to their conservation. There would also be notable but moderate harm overall, to the significance of a non-designated heritage asset.

The prominent location of the development along Cornells Lane will impact on the heritage assets and Conservation Area and would be contrary to ALP Policies ENV1, ENV2, Sections 66 and 72 The Planning (Listed Buildings and Conservation Areas) Act 1990, and NPPF para 199..

#### 6.8 Countryside and landscape character

The Landscape Review Alison Farmer (Appendix 2) deals more fully with landscape and heritage issues. In terms of harm to settlement form and setting it concludes (emphasis added):

This layout is not considered to reflect the existing settlement form and character. The proposed dwellings will sit in an elevated position c. 2-3m above Cornells Lane and in close proximity to each other. Although arranged in a linear fashion, their single access arrangement, and location behind the High Street will mean they will be perceived as back land development

In conclusion, the development is outside the built-up area of Widdington and is within the countryside. It does not satisfy the test of ALP Policy S7 “needs to take place there, or is appropriate to a rural area” nor NPPF para 174 b) “enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside”.

Moreover, the development would cause significant and demonstrable harm to character and setting of Widdington, the Protected Lane and its setting and the mature tree and shrub belt along its northern side outside the site, and Heritage. This would be contrary to ALP Policies ENV8 and ENV9

## 6.9 Agricultural Land

The site is classified Grade 2 in the Agricultural Land Classification<sup>22</sup>, which means ‘Best and Most Versatile’ (BMV) to which ALP Policy ENV5 applies which seeks to protect it:

Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

The issue of BMV agricultural land is effectively ignored in the application documents. No evidence is presented in the application documents that “opportunities have been assessed for accommodating development on previously developed sites or within existing development limits, or that any areas of poorer quality land have been assessed.

### **Ward Member**

## 6.10 Scale of objection

This may carry little weight but as at 8<sup>th</sup> August there were 119 objections. This is a very significant percentage of the population of the village. Not everything gets objected to and indeed a house now under construction has strong community support despite reservations from the officer.

There is significant development taking place at the north end of the village and some redevelopment at the east side on Church Lane.

There is considerable annoyance that a site refused at appeal, refused again by officers on a new application, and then for a third time set for refusal, presumably, and withdrawn, has now been submitted for a fourth time with the same number of houses and damaging access.

What may however carry weight is that the continuing level of development in Widdington means that there is no local need for housing Call for sites  
Please can it be noted that the whole site as previously refused at appeal for 20 houses has been put forward in the Call for Sites. As this is not an application it might normally carry no weight. But a key issue is that the access intended for only four houses must therefore be capable in the view of the applicant of taking considerably more.

The application layout does not allow for further access to the meadow, so it is possible that any permission for four would not be built but used as leverage,

having got one access cut through the banking, to widen it by removing more trees and flattening more of the steep bank.

#### Blocking of the view

The Design and Access Statement says:

*Views from the surrounding PROW network have been restricted by the recent erection of fencing to the east side of the paddock (a further section awaiting completion)*

This in my opinion this has been done to push through the application by blocking the very pleasant view from the path across the meadow to the roof tops of houses in the CA and out to the other side of Widdington, and the kinetic experience of the changes of the view including towards the church tower. As impact on the views has been a previous consideration the Design and Access Statement is now effectively claiming that it is lost anyway and so cannot be a consideration

The applicant has offered to me other reasons for the fencing, which I found implausible, and when I consulted a nearby resident they confirmed my opinion. The view is only blocked because the applicant has blocked it. Elsewhere on footpaths in Widdington there is low metal fencing combined with hedging which provides a boundary and security but still affords a view and supports wildlife. This could be done here and should this application be approved it would be good to have the restoration of these views made a condition.

It would however be most disappointing if this act was rewarded. The fencing is 2m height of grim nasty estate fencing which has no place here.

#### 'Benefits'

To offset the conflicts with policies the sole benefit is provision of four houses. There would be no contribution towards education, health or highways. Each incremental 'it is only a few houses' adds to the burden on already over stretched services. This also includes burden on the not-fit-for-purpose Newport sewage works (see Hyder Consulting 2010 report for the Local Plan – no upgrade has been done since then despite over 500 houses being added to the catchment with another 100 planned). A point of failure noted in the Hyder report is the combined storm and foul sewers. The result is that in heavy rain raw sewage floods out on Spring Hill. There is no financially viable solution to this, but adding more houses onto a system not built to take it just makes it worse. It does not only flood in Widdington, but in particular onto a footpath in Newport on the final run under the Cam to the works. This includes the output from Widdington. Photo 2 Feb 2021 and further below 7 Feb 2014

Despite there being more rain and serious flooding in 2014, note that the sewage pollution was worse in 2021. Anglian Water had to remove the topsoil this time. My conclusion is that the never ending addition of housing without a major upgrade is throwing ever more sewage out of hatches.

Note that paying council tax is not a benefit, as it is to ameliorate the extra burden on services and UDC council tax covers less than half the running cost of the council.

Cornells Lane

The damage to the banking and trees and hedgerow would be significant.



Much of the Arboricultural Report appears not directly relevant to the application and is a general statement of what might be done regardless of a planning application. It refers to the hedgerow and trees to the east by the path and north bordering the pub (distant from the proposed estate) needing some attention and the application being 'an opportunity' for improvement. It is not stated who owns the hedgerows but it would be the owner's responsibility and there is no commitment to do any work. As the section by the proposed houses has been fenced off it is questionable as to whether anything would be done by an owner who has already despoiled the location. This potential improvement cannot add weight to the application unless it could be enforced, and my experience elsewhere is that conditions for retention and hedgerow tree work are difficult to enforce.

The Land Registry record appears to show that the applicant does not own the boundary trees on Cornells Lane. Therefore the same comments apply in that any improvement work on the trees is the responsibility of the Highway Authority and should have no weight in the application. My experience of ECC is it would be unlikely to be done.

The report says:

*The new planting on the roadside in particular will enhance the 'green tunnel effect' which has 'an important aesthetic significance' as cited from the planning inspectors report on the previous appeal*

The tunnel effect does not need enhancing, and as noted it appears not the applicant's green tunnel to enhance. The 'important aesthetic significance' would be reduced by having the 'entrance' to the tunnel removed, and the banking flattened and replaced by a tarmac road access which the site plan shows as being significantly wider than Cornells Lane.

Looking east, the section to be removed on the left. 20<sup>th</sup> July 2021  
It is noted that despite the 69 page professional report there is no artist's impression of what the access would look like.

#### Bus services

These are suitable for school use, but otherwise the claims of viability for pretty much all travel are ludicrous. Almost all requirements, and going to work, and everything else would be by private vehicle or delivery van up and down the narrow winding road to the B1383. Note this is the high vehicle diversion route for Newport railway bridge and so vehicles, cyclists and walkers may find they are competing with the largest vehicles permitted on UK roads.

The application notes that the bus provider wants the service to continue. Of course they would say that as it is subsidised by ECC. The deciding body is ECC who have already once proposed its cessation. The financial assessment provided to new councillors following the recent elections showed £130m of unspecified savings to be made (c13% of the total budget) and the cost of bus subsidy was specifically highlighted.

Even as it stands the bus service should be given little weight. The houses would be there in perpetuity and I think no weight should be given to the long term existence of a service.

#### Site drainage

For the application refused at appeal, the drainage engineering drilling concluded that the land is deep clay and soakaway was not possible. Highways and Anglian

Water declined to take the storm water into their (already full) systems. Therefore assuming nothing has changed, there is no solution to the flood drainage. Flooding along roads is already a problem. Setting a condition will not solve this so an agreed rain drainage strategy would be advisable prior to a decision.

#### Conclusion

Road access to the outside world from Widdington is poor, and so all development should factor this disadvantage. However, all other developments, both historic, C20th and C21st have good direct access to the immediate highway. **This one does not.** It is a backland development on a meadow, which has high intrinsic ecological and visual value, as not ploughed and as far as I know not chemically treated, with a poor access doing damage to a Protected Lane. The fact that it is not in intensive agricultural use is an indicator of the difficult access.

The lane surely is designated in order to be protected, and the application's claims to improve it seem implausible and not needed. The urbanisation created by the access, at the 'gateway' to the tree tunnel in planning publicity speak, must weigh strongly against this application.

#### Built Heritage Officer

6.11 06/08/2021

The application site is located immediately adjacent to the Widdington Conservation Area, the boundary of which is located to the west, with access to the site located from within the Conservation Area. In close proximity to the site are the other designated heritage assets of:

- William The Conqueror, Grade II listed (list entry number: 1238376);
- Corner Cottage/White Cottage, Grade II listed (list entry number: 1238374) and
- Martins Farmhouse, Grade II listed (list entry number: 1238383).

Cornells Lane is also considered a non-designated heritage asset, as has been identified and designated as a protected lane (Ref: UTTLANE158). A Public Right of Way is located to the eastern boundary of the site and continues northwards.

The application site is an area of undeveloped agricultural land located within the setting of several heritage assets, as identified above. The existing site positively contributes to the agrarian setting and rural character of the settlement of Widdington, and the designated heritage assets, including the Conservation Area. It is felt that there would fundamentally be an impact upon the setting of the heritage assets when assessed against Historic England's publication, *The Setting of Heritage Assets, GPA 3 (2017)*. The publication provides a checklist of potential attributes of a setting which contribute to significance, this being 'surrounding landscape, views, tranquillity, land use' and other environmental factors such as noise, light pollution and general disturbance should be taken into account. The proposals are considered to inevitably result in an impact, resulting in less than substantial harm to the setting of several designated heritage assets and the Conservation Area.

The application site as evident from historic mapping, and supported by the submitted Heritage Statement, has remained undeveloped agricultural land and

that the legible pattern of development for the settlement of Widdington is that a linear manner along the High Street. The proposed development of four detached buildings and the creation of the access from Cornells Lane would be inconsistent with the pattern of development and would have an adverse impact upon the approach and views into the Conservation Area. It should also be noted that this approach into the Conservation Area, along Cornells Lane, appears to be the last undeveloped approach into the Conservation Area. It is acknowledged that the protected lane has steep banks however the existing undeveloped nature of the site preserves the tranquil and rural character of the non-designated heritage, set within the wider rural context, plus other environmental factors such as general disturbance must also be taken into consideration.

The proposals would result in the harmful urbanisation of the site, inevitably resulting in several impacts to the setting of William The Conqueror, Corner Cottage/The White Cottage, the Widdington Conservation Area and the non-designated heritage asset of Cornells Lane. This harm would be less than substantial, Paragraph 202 and 203 of the NPPF (2021) being relevant. The NPPF also affords great weight to the conservation of the heritage assets under Paragraph 199 and Paragraph 206 states that *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.'* The proposals are considered inconsistent with this.

#### **The Highways Authority**

6.12 No objections subject to the imposition of conditions regarding:

- No occupation of the dwellings prior to appropriate visibility splays are provided.
- No occupation of the dwellings prior to appropriate parking is provided
- The gradient of the proposal shall be no steeper than 4% for the first 6m and not more than 8% thereafter.
- The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use.
- Approval of construction management plan

#### **Place Services- Ecology**

6.13 No objections subject to the imposition of conditions regarding:

The proposal will be in accordance with the mitigation and enhancement detail set out in the submitted ecology appraisal.

A biodiversity enhancement strategy will be submitted and approved prior to slab level of the development.

A lighting scheme will be submitted and approved prior to the occupation of the development.

#### **UDC - Environmental Health**

- 6.14 No objections or further recommendations raised

#### **Specialist Archaeological Advice**

- 6.15 No objections, subject to the following conditions:

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.

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 above.

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.

#### **Anglian Water**

- 6.16 No objection

Anglian water are obligated to accept foul water flows from the development and will take steps to ensure that there is sufficient capacity.

#### Surface Water Disposal

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. We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment and Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.

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. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied.

This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

### **National Air Traffic Safeguarding (NATS)**

- 6.17 Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

### **BAA Aerodrome Safeguarding**

- 6.18 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

## **7 REPRESENTATIONS:**

- 7.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. 103 representations have been received, which raise concerns including:

- The site is located beyond the Development Limits of the village
- Harmful effect on the character and appearance of the area, including the Protected Lane (a 'non-designated heritage asset')
- Adverse effect on the setting of the Widdington conservation area and numerous listed buildings
- Increased vehicle movements on inadequate roads
- Increased traffic congestion and associated pollution
- Unsuitable vehicular and pedestrian access points
- Adverse effect on the safety of road users
- Increased risk of flooding
- Lack of services and facilities e.g. shop, post office
- Lack of sustainable transport options
- Loss of biodiversity
- No need for the development, no support
- The proposal does not provide the homes required e.g. affordable homes, starter homes,
- The development would cause nuisance and damage to roads and property during the construction period
- No local support for the development
- Approval would set a precedent for further residential development
- In conflict with the village design statement,
- Sets a planning precedent,
- Increase in carbon emissions,
- Loss of agricultural land

- 7.2 1 letter of support received, comments include
- The development will provide a number of smaller dwellings,
  - The dwelling appear to be energy efficient,
  - The local village includes a number of local provisions and is accessible to the larger towns.

- 7.3 All material planning merits will be considered in the following report, however please find the following case officer comments.

- Lack of support is not by itself a material planning consideration.
- Due consideration is made to the previous dismissed appeal (20 dwellings) and refused planning application (15 dwellings)
- Lack of services and infrastructure will be considered in the following report
- Highway safety will be considered in the following report.
- The principle, character, appearance and heritage are key considerations

## **8. POLICIES**

8.1 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.

8.2 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.

8.3 S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

### **8.4 National Policies**

National Planning Framework (2021)  
National Planning Policy Guidance Note

### **8.4 Uttlesford District Local Plan 2005**

Policy S7 – The countryside  
Policy GEN1- Access  
Policy GEN2 – Design  
Policy GEN3 -Flood Protection  
Policy GEN4- Good Neighbourliness  
Policy GEN5- light Pollution  
Policy GEN6-Infrastructer Provision to Support Development  
Policy GEN7 - Nature Conservation  
Policy GEN8- Vehicle Parking Standards  
Policy ENV1- Design of Development with Conservation Areas

Policy ENV2- Development affecting Listed Buildings  
Policy ENV3- Open Space and Trees,  
Policy ENV8- Other Landscape Elements of Importance for Nature Conservation  
Policy ENV9- Historic Landscapes  
Policy ENV13- Exposure to Poor Air Quality

## 8.5 **Supplementary Planning Document/Guidance**

Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Widdington Conservation Area Appraisal and Management Proposals (2013)  
Widdington Village Design Statement (2009)  
Uttlesford Protected Lanes Assessment (2012)  
Uttlesford Local Residential Parking Standards (2013)  
Essex County Council parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space homes  
Essex Design Guide Uttlesford Interim Climate Change Policy (2021)

## **9 CONSIDERATION AND ASSESSMENT:**

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

- A Location of housing (S7, GEN1, NPPF)
- B Character, appearance and heritage (S7, GEN2, GEN5, ENV1 ENV2, ENV3, ENV9, and the NPPF)
- C Neighbouring Amenity (GEN2, GEN4, ENV10, NPPF)
- D Access, Parking and Transport (ULP Policy GEN1, GEN8 and the NPPF)
- E Light pollution (ULP Policy GEN5)
- F Nature Conservation (ULP Policy GEN7 and ENV8);
- G Flooding (ULP Policy GEN3 and the NPPF)
- H Climate Change (UDC Interim Climate Change Policy 2021)

### **A Location of housing (S7, GEN1, NPPF)**

9.2 The site's location beyond the Development Limits for Widdington, although the south west corner of the site is partially within the Development Limits. ULP Policy S7 of the Uttlesford Local Plan states that the countryside will be 'protected for its own sake', that 'development in the countryside will be strictly controlled', and that 'permission will only be given for development that needs to take place there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

9.3 There is a presumption in favour of sustainable development in the NPPF. Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.

9.4 The settlement's spatial relationship with other nearby settlements includes the larger village of Newport lies north-west circa 3km distant and the town of Saffron Walden lies north about 7km distant. Neighbouring villages with a variety of facilities lie within a few kilometres. The local bus service connects various large and small settlements as well as most of the railway stations (serving London to Cambridge) shown, including those at Newport, Audley End and Bishops Stortford.

- 9.5 It is noted the previous planning applications and dismissed appeal for the development of this site for more dwellings considered the development would result in a significant increase in the number of journeys made by car rather than sustainable modes of transport, in conflict with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
- 9.6 The Planning Inspector advised *'the proposal would give rise to a significant need to travel. Some limited opportunities exist for walking locally and cycling. However, cycling is unlikely to be popular other than for experienced cyclists. Public transport options consist of an hourly service between Bishop's Stortford and Saffron Walden, much larger towns. The timings of the service however would restrict its use for many residents who may require access early in the morning or later in the evening to access employment and public transport opportunities further afield. More importantly I have some doubt as to the longer term provision of the service. The parties confirmed that the existing tender is to the middle of 2021 and beyond that the existing provider states that there are 'no guarantees.'*
- 9.7 The appeal Inspector expressed some doubt as to the longer term provision of the bus service as he had no confidence that it would continue to operate after the middle of 2021. However there is no information provided to suggest this is the case and the bus service continues into 2022.
- 9.8 Information submitted with the application advises the earliest bus service from Widdington is 08:03 hours which arrives adjacent Newport Railway Station at 08:10 hours and outside Audley End Railway Station at 08:15 hours. These times allow for connecting commuter. Furthermore Uttlesford bus consultation of February 2022 states that bus route 301 service which comes through Widdington is proposed for significant improvements, with up to 18 (from 12) services per day. This public transport provision provides an acceptable level of sustainable transport associated to the scale of the proposed development of 4 dwellings and the location of the Widdington within this rural district.
- 9.9 The Planning Inspector considering the previous planning refusal stated *"a development of 20 dwellings is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private vehicle"*. Although this was the case for the previous applications on this site these application included significant developments of 20 and 15 dwellings. This application has been greatly reduced to 4 dwellings. Therefore although the location of the development has not changed the overall scale of the development has been greatly reduced and therefore the likely transport movements per day cannot be compared. Should an application be submitted in the future for more then this aspect would still need to be considered at the time of assessment.
- 9.10 A number of recent planning applications have been approved within Widdington for smaller scale housing developments, these include:  
  
UTT/20/1213/FUL- 2 dwellings  
UTT/20/0029/FUL- 1 dwelling  
UTT/18/3279/FUL- 2 dwellings  
UTT/21/1509/FUL- 2 dwellings
- 9.11 The Parish Council have provided a Transport Assessment, this concludes:



- The previous appeals confirms the location of the development is unsuitable for housing due to the lack of sustainable transport.
- The proposed gradients of the access do not meet Essex Design Guide Standards.
- The proposal does not demonstrate it can accommodate the substation,
- The pedestrian route will required to be sloping or stepped,
- The access road is an insufficient to allow service vehicles,
- Larger vehicle will be unable to pass light vehicles and vehicle will be forced to reverse in the vicinity of the junction,
- Insufficient visibility splay are provided,
- Retaining walls will result in a urban character,
- No assessment has been made to the pedestrian routes

9.12 Although the above approved planning applications do not have any planning precedent, they do demonstrate that the smaller developments located close to this current application site and also further outside the central core village of Widdington still were considered as sustainable development. It was considered the occupants of these dwellings would have needed to use a car to access most services, facilities and places of work. However, a regular bus service between Saffron Walden and Bishops Stortford provides a realistic public transport option for some journeys.

9.13 The applicant has sought to demonstrate through their planning statement that there are opportunities to use sustainable transport to access services in the nearby vicinity, by sustainable transport. Whilst this may be the case, in reality, given the rural location of the site, the occupants of the proposed dwelling would most likely use a car/cars for most of their journeys to access services. Whilst this cannot be said to be a positive for the proposed development the NPPF does acknowledge that there are opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

9.14 While there may be some conflict with the NPPF in terms of sustainable transport modes, it is considered that the proposal accords with the more flexible approach within the NPPF. In conclusion, the proposal in the form proposed would not be in conflict paragraph 8(b) of the NPPF regarding the fact that is in a sustainable location and will contribute to the social role of sustainable development, this would also be a consistent approach as per the approval of the above smaller housing developments within Widdington. Therefore the proposed location of the current proposed development of 4 dwellings is largely seen to accord with the social dimension of the NPPF on sustainable development, and with policies S7 and GEN1 of the Uttlesford Local Plan 2005.

**B Character, appearance and heritage (S7, GEN2, GEN5, ENV1 ENV2, ENV3, ENV9, and the NPPF)**

9.15 The site comprises an undeveloped paddock adjacent the village and its conservation area, which contains numerous listed buildings. Cornells Lane is identified in the Local Plan as a Protected Lane due to its historic character and a public footpath runs along the eastern boundary.

9.16 Following the LPA's refusal of the scheme for 20 no. dwellings, the developers made another planning application (UTT/19/2623/FUL) again on the whole

paddock covering its south to north depth but this time for 15 no. dwellings and with more open space to the east side. This was also refused to similar refusal reasons. The Planning Inspector considered issues of 'character and appearance' regarding the 20 unit scheme and considered the paddock (as a whole) provided a 'transition' from the rear gardens and amenity land adjacent to the west and the agricultural fields and open countryside to the east.

- 9.17 The Planning Inspector advised that the paddock was part of the rural setting of Widdington and the introduction of 20 units onto the whole paddock as an undeveloped site would result in the suburbanisation. The Inspector considered that a comparatively large estate of 2 storey housing, although with some screening from the east, would be starkly visible and of an overall scale and disposition that would harmfully encroach above and across the skyline and would jar with their lower, more modest scale and the linear character and pattern of the village. Such visual effects, the Inspector stated that this would be particularly evident on the approach up and down Cornells Lane, from its entrance and through the site's comparatively wide access and from a number of viewpoints from the surrounding Public Rights of Way.
- 9.18 The current planning application for 4 dwellings is a significant reduction in dwelling numbers and overall scale of the development site. The dwellings will be sited to the south of the paddock and will retain much of the current paddock as the 'transition', connecting west to east. The smaller scaled development will not have an estate appearance and will instead provide 4 detached that provide a linear arrangement. The dwelling will be visible, however given the reduction in the scale of the development it will not be starkly visible from far away views. Furthermore the existing and proposed landscaping will provide some mitigation and will be secured by planning condition should planning permission be granted.
- 9.19 The introduction of the wider access as per the previously refused planning application is no longer required, the previous proposal included an estate road of 9m wide where this is 5m wide. The views from the public right of way to the east of the site are restricted by the existing close board fencing.
- 9.20 The proposed scheme shows that the dwellings at Plots 1, 2 and 3 (1 ½ storey homes) are 7.4m, 7.4m and 7.2m respectively in height to the ridge and Plot 4 (bungalow) is 5.5m high to its ridge. Plots 1 to 3 are designed as traditional style cottages. Plot 4 forms a 'barn style' single storey dwelling and reflects an agrarian nature of the farmland lying beyond the eastern end of the site.
- 9.21 The dwellings will be of a traditional form and appearance that would be comparable to other local residential developments. The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. The use of a mix of external finishing materials ensures the development will provide a visual interest and breaks up the building mass. From the plans submitted it is considered the design of the dwellings are appropriate and include a traditional form, appropriate scale and use of materials compatible with the character of the site and its surroundings, these include:
- soft red brick with lime rich mortar
  - conservation colour painted sand cement render
  - black timber weatherboarding
  - clay plain tiles
  - clay pantiles

- natural slates.

- 9.22 The layout of the proposal includes the dwellings being arranged with spacious garden areas will be in accordance with the size standards as set out in the Essex Design Guide. The single access drive from the highway provides individual accesses to each plot. The proposed footway link is proposed running east to west through the site and will connect with the Public Right of Way network to the east (Cornells Lane to Church Lane) to the High Street.
- 9.23 The proposed landscaping includes significant number of new trees and hedgerows. Apart from the introduction of the access no trees will need to be removed to accommodate the development. The submitted arboriculture report does provide recommendations to replace trees dying/diseased trees in particular, along Cornells Lane, the green tunnel effect can be enhanced and tree protection measure should be conditioned.
- 9.24 The proposed access to the site will require the incursion within Cornell Lane, which is a protected lane, in comparison to the refused schemes the location of the access uses a low part of the bank to Cornells Lane, also where the vegetation at this point is of lower quality. The previous schemes included a significantly larger access and was sited further east along Cornells Lane where it is deeply incised. The required visibility splays for the development will not require the removal of further bank Cornells Lane. Due to the scale of the development the proposed access will be shared surface for pedestrians and cars throughout its length. As advised above a separate footpath will provide an alternative safe route for all who currently walk along the carriageway of Cornells Lane.
- 9.25 The Council's Landscape Officer has been consulted and advised the proposed introduction of the access and works to the bank of the protected lane would inherently result in some degree of harm. ULP Policy ENV9 considers works to protected lanes and advises that proposals likely to harm the protected lane will not be permitted unless the need for the development outweighs the historic significance of the site. The Protected Lane is considered a non-designated heritage asset, the Council's Heritage Officer has assessed the development overall considers the harm caused to be at the lower end scale. Paragraph 203 of the NPPF states;
- "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 9.26 The Parish Council have included a Landscape Review of the proposed development, this concludes:
- *The access will break the lane embankment and due to site levels and constraints and the effect is likely to be substantial and adverse and give rise to a loss of Protected Lane integrity.*
  - *The reduction in development may retain part of the meadow but almost c.43% will be lost to development or planting within the ecological area.*

*•Whilst more modest in scale than the appeal scheme, the form and pattern of development will still read as back land development behind the High Street and will sit above Cornells Lane in close proximity to each other.*

*•The proposed development will impact on views from Cornells Lane and the wider landscape to the east. Whilst it may be partially screened by fencing, the introduction of fencing will have its own characterising effects which are adverse in this rural location.*

*•Overall the proposed development would give rise to adverse landscape and visual effects. The reduction in extent of proposed development, compared to the previous appeal, will not substantially reduce effects.*

The proposed development does not comprise a positive addition to the historic village of Widdington and would result in the partial loss of a small scale meadow on the fringes of the village, which is valued as an integral part of its setting.

9.27 The Uttlesford Protected Lanes Assessment was prepared by Essex County Council in March 2012. This document formalises the identification and assessment process and sets clear criteria for assessing the importance of Protected Lanes. It should be noted that the Lanes are selected not only for their historic interest, but also for their biodiversity, group value and aesthetic value. The full criteria are:

- Diversity
- Group value (association)
- Archaeological association
- Archaeological potential
- Historic integrity
- Biodiversity
- Aesthetic

9.28 In the Protected Lanes Assessment Form (Appendix D) Cornells Lane is identified as UTTLANE158 which scores a total of 20 out of 28.

- It scores 4 out of 4 for Group value, its association with historic or landscape features of 'broadly the same date'.
- It scores 3 out of 3 for archaeological association, its link with 'non-contemporary archaeological features'.
- It scores 2 out of 3 for archaeological potential
- 2 out of 6 for Historic integrity.

This notes that the Lane has experienced 'moderate improvements or loss to historic fabric of the lane (excluding significant hedgerow loss)'. Therefore, while Cornells Lane scores highly for archaeological potential and connections, its integrity has clearly been significantly undermined by later alterations and interventions.

9.29 It is noted adjacent the proposed highway access there is an existing wide access serving William the Conquer and Weft house and as such there are number of points along the Protected Lane that have already included the loss of verge and

the addition of housing. This single smaller access point is not considered unacceptable or inherently harmful. It is also noted the Uttlesford Protected Lanes Assessment confirms that one of the reasons for Cornells Lane scoring 2 on Aesthetics is the 'nice views of houses' from the Lane and as such the view of appropriately sited and designed dwellings being seen from the Lane cannot be deemed as harmful.

9.30 Whilst the 4 units will not be highly visible from the Lane, where views are available e.g. from the new footpath, these should be equally pleasant, given the good design, which reflects the local vernacular, architecture, materials and landscaping.

9.31 Photo 1 and 2 below demonstrate the existing development of the protected lane. Photo 1 is adjacent the proposed access and includes a 1.35m wide concrete and gravel access serving William The Conqueror and Weft House. Photo 2 is the existing 9.8m wide hardened access serving Weft House.

9.32 Photo 1.



Photo 2.



- 9.33 As part of the assessment of the overall impact to the Protected Lane it is considered that the setting of the Lane is an important element of its significance. This is particularly the case in understanding its links with the surrounding settlements and its visual relationship with the surrounding buildings. The Site, as part of its setting provides some rural context and reflects the position of the Lane moving from the southeast extent of Widdington to the east. It is therefore experienced as an entrance and departure point to Widdington. However, the overall contribution of the site to the significance of the Lane as a non-designated heritage asset is limited. This is primarily due to the length and size of this Lane together with its closer connection with other historic and landmark features and that the proposal in terms of scale and introduction of form is small in comparison to the overall significance and setting of the Lane.
- 9.34 As stated above Paragraph 203 of the NPPF applies and as such a balanced judgement will be required, taking into consideration the above assessment it is considered introduction of the access point and built form of the dwellings will result in a low level of harm to Cornells Lane, however it is considered a condition in regards to the detailing and appearance of the access point and require retaining materials should be submitted and approved by the LPA prior to the commencement of the development.
- 9.35 In terms of the designated Heritage asset, this includes the Conservation Area and a number of listed buildings. However it is noted the application site is outside of the Conservation Area. I first consider the impact the development has to the Conservations Area, due consideration is made to ULP Policy ENV1 and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the preservation or enhancement to the character and appearance of the Conservation Area.
- 9.36 The proposed development would inherently alter the rural setting of the application site with the introduction of built form, however this it is considered this will however this would not be appreciable from within the vast majority of the conservation area, including in views from the High Street. A small section to the south west of the application site would result in a small change to the conservation area, through the re-surfacing of part of the access road which will include a sympathetic appearance.

- 9.37 The location of the dwellings would cause some alteration to the existing historic linear plan form of Widdington which is particularly evident along the High Street, and actively contributes to the historic interest of the conservation area. However this current proposal only results in the development of the southern boundary of the site and not the entire site as per the previous refused planning applications. The siting of the dwelling would be compatible with the more twentieth century, piecemeal development within Widdington and also the more linear approach of development along Cornells Lane that has evolved over time.
- 9.38 The location of the proposed development follows the evolution of Cornells Lane which includes a number of dwellings built over time and mainly in a linear layout that are compatible with the historic routes through the village. The development will retain the majority of the conservation area rural setting to the east of the High Street, maintaining the transition between the settlement and the wider rural surroundings which the Inspector identified as an important feature at the previous appeal.
- 9.39 The location of the development to the southern boundary of the site will also ensure the views from within the wider paddock and any existing from the wider public footpath to the public views to the east and north of the site. Although the Council's Conservation officer has advised that screening mitigation cannot remove harm, however appropriate landscaping and screening should still be considered and weighed against the harm.
- 9.40 The Planning Inspector considering the previous appeal confirmed the larger 20 dwelling scheme would cause some less than substantial harm to the significance of the Conservation Area, this included:
- The location of plots 13-12, the scale and overall coverage of built form would visually compete with the village scape of properties in the Widdington Conservation Area
  - There is some residential development set out in a linear form along Cornells Lane
  - The proposal would erode the sense of openness and diminish views of a significant part of the Widdington Conservation Area from its rural surroundings
- 9.41 However with this current proposal:
- The area of appeal plots 13-20 is now undeveloped; scale reduced from 20 to 4 dwellings; area reduced significantly,
  - The proposed scheme has vastly reduced coverage/scale compared to previous 20 dwelling scheme.
  - An existing linear development runs along Cornells Lane (housing lies opposite).

- A sense of openness will be retained with the remaining paddock area to remain undeveloped and provides a transition area between the village and surrounding rural area.
- The development will not compete with the character of the Conservation Area.
- The views from the footpath to the eastern boundary of the site is restricted with a newly erected 1.8m fence. Therefore views to the back of the back of the High Street remains unaffected

- 9.42 The appearance of the dwellings would also be constructed in a simple, vernacular style diminishing in height from west to east. As set out by the Council's Heritage Officer the proposal will result in low level of harm to the Conservation Area. This limited, less than substantial harm should be weighed against the public benefits of the proposals in accordance with paragraph 202 of the NPPF.
- 9.43 Paragraph 206 of the NPPF advises Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserved that make a positive contribution to the asset (or which reveal its significance) should be treated as favourably. The proposal will provide a permissive footpath to the south east corner to the south west corner of the site. This will provide views of the Conservation Area which will better reveal its significance.
- 9.44 In terms of the effects of the setting of Listed buildings, due consideration is made to ULP Policy ENV2 and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The following sets out my assessment to each of the Listed Building affected by the proposed development. This also takes into consideration the consultation response from the Council's Heritage Officer and details of the previous planning appeal.
- 9.45 Martins Farm House;  
The proposal would alter the views to and from Roseley Barn, which has been identified as a curtilage listed building and therefore part of the listed building of Martins Farmhouse. The proposal will reduce the current rural context which contributes to the significance of the Farmhouse and Barn by virtue of their related historic uses. There is no current functional link and there is no evidence of a historic functional link between the Site and the farm (with the Site and wider paddock in separate ownership to Martins Farmhouse and the Barn).
- 9.46 It is noted that at the previously appeal hearing that Martins Farm House and associated buildings could not be seen from the application site and was agreed to not be part of the assessment of the heritage assets. Taking a consistent approach any impact can only be viewed as strictly limited, moreover, the conversion of the Barn to residential use, and its subsequent extension, has diminished the legibility of its former agricultural. The proposed development would therefore have no impact on the significance of Martins Farmhouse, with the relationship between the Barn and Farmhouse being unaffected and the legibility of its historic use unchanged. The special architectural and historic interest of the listed building would be preserved. This accords with the Inspector's findings for the much larger scale of development previously dismissed at Appeal.



- 9.47 Corner Cottage/The White Cottage;  
There will be limited impact on views. These semi-detached residential properties lie on the corner of Cornells Lane accordingly, there would be some less than substantial harm by virtue of development within their setting, albeit to the lower end of any scale. Also the proposal will include some existing access to the Site, which will be undertaken in conjunction with providing additional planting to screen views, reinforcing the sense of enclosure. Fundamentally the development will not alter its role within the setting of the listed building will subsequently be unchanged. As such it is considered that the proposed development will have no impact on the significance of the listed building. Its special architectural and historic interest will be preserved.
- 9.48 William the Conqueror;  
The existing landscaping to the north east of the William the Conqueror and particularly on the southern boundary of the site means that there will be a limited visual impact from the proposed development. One of the main changes will result from the construction of a new access proximate to the listed building, which will involve alterations to Cornells Lane.
- 9.49 Although this will alter the existing semi-rural setting of the listed building it will not diminish the ability to appreciate and experience its significance, particularly given the current context of the listed building, which lies adjacent to the engineered access point into Weft House. It is noted the Planning Inspector of the previous appeal considered the proposed passing bays would cause an increase in noise, vibrations and vehicle emissions from vehicular traffic, potentially affecting its fabric, resulting in visual distraction & diluting appreciation of LB from the lane. However, this application does not include or require the passing bays along then highway.
- 9.50 The Planning Inspector also considered the upper stories and roofs of plots 1, 2 and 18 and 19 would be visible through the new footpath link, sitting at a higher level. Would be some harm to the setting by virtue of such development and activity associated with it, within its setting. That being said, this proposal is of a much smaller scheme, plots 1 to 4 which have a comparable location include 3 chalets and 1 bungalow and notably lower ridge height and eaves heights.
- 9.51 Additional planting and the separation to the dwellings themselves will ensure that proposed dwellings are visually separated from the listed building. These slight changes within the setting of the listed building will have high level of harmful impact on the significance of the William the Conqueror or the ability to appreciate and experience its significance.
- 9.52 Fleur-De-Lys Public House;  
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, it setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.
- 9.53 Church of St Mary the Virgin;  
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, it setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.

- 9.54 Taking into consideration the consultation responses from the Council's Heritage Consultant, the details of the previous planning appeal and submitted Heritage Statement it is considered the proposed development will subsequently result in a very low level of less than substantial harm to the significance of the Widdington Conservation Area and is in accordance with ULP Policy ENV1 paragraphs 202 and 206 of the NPPF and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.55 As assessed above the significance of all listed buildings potentially affected by the proposed development will be preserved, in accordance with ULP Policy ENV2 section 202 of the NPPF and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**C Neighbouring Amenity (GEN2, GEN4, NPPF)**

- 9.56 The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between proposed dwellings and distance between the neighbouring sites. The siting respects residential amenity, with the nearest dwellings being some distance away from Plot 1, including White Cottage (at 48m), Roseley Barn (45m), William the Conqueror (53m). Weft House is closest to Plot 4 and is sited 42m distant. It is advised there are no proposed windows at the first floor level of the west elevation of plot 1. As such taking into consideration the separation distance, siting/ orientation of the proposed dwellings and existing boundary treatment the development will not result in any significant overlooking or loss of privacy that will have a harmful impact. It is therefore concluded that the proposed scheme accords with the above policies.
- 9.57 ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties. The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other residential development along Cornells Lane. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4.

**D Access, Parking and Transport (ULP Policy GEN1, GEN8 and the NPPF)**

- 9.58 Policy GEN1 require development to the main road network that must not compromise road safety, there is an existing access to the site off Cornells Lane is by way of a gated field access located in the south-western corner of the This access also serves an electricity substation. At the site location, Cornells Lane is subject to a 30mph speed limit and comprises a single carriageway with a verge and bank.
- 9.59 The access requires 2.4m by 43m visibility splays, based on the speed zone and prevailing speed of traffic which has been surveyed. Long sections show that these splays are achievable without further removal of the bank along Cornells Lane to create them.
- 9.60 The access will meet highway requirements with a 5.5m width for the first 10m, radii kerbs and suitable gradient, as designed by highway consultants. It has also

been designed to accommodate the manoeuvres of fire tenders, as well as the large refuse vehicles.

- 9.61 The Highways Authority have been consulted as part of the planning application process, no objection have been raised subject to conditions. Taking into account the comments of the Highway Authority and recommended conditions, it is considered that the proposal would not adversely affect road safety or highway capacity provided that appropriate conditions are imposed should planning permission be granted.
- 9.62 It is therefore concluded that the proposed access arrangements will be suitable to serve the proposed residential development. The assessment of this private drive access, to serve 4 dwellings, has been undertaken as required to serve a development of this quantum and type, with due regards to ULP Policy GEN1 and the Essex Design Guide.
- 9.63 ULP Policy GEN8 considers the whether the development will have appropriate parking provision, this also in accordance with the adopted Uttlesford Neighbourhood Parking Standards (2013), and Essex County Council Vehicle Parking Standards (2009).
- 9.64 Each dwelling will include off street parking that is in accordance with adopted standards. The parking provisions also accord with the recommended parking sizes within the Essex County Council Vehicle Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013). As such it is considered the proposal complies with ULP Policy GEN8 and the Uttlesford Neighbourhood Parking Standards (2013).

#### **E Light pollution (ULP Policy GEN5)**

- 9.65 ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution however it is recommend a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development.

#### **F Nature Conservation (ULP Policies GEN7, ENV8);**

- 9.66 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.
- 9.67 A preliminary ecological assessment (PEA) has been carried out and submitted with the planning application. The Council's Ecology Consultant has been consulted as party of the planning application process, no objections have been made subject to conditions.
- 9.68 All significant impacts on biodiversity, including potential adverse impacts upon specific protected species, habitats and designated sites can likely be wholly mitigated, based on the detailed findings of the PEA.
- 9.69 In terms of biodiversity enhancement the proposal includes the provision of an ecological area measuring 0.12 ha (0.29 acres) comprising part of the 2 acres of

retained paddock land immediately north of the site. The detailing of the ecological area should be subject to a condition for the submission and approval of the LPA.

- 9.70 Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework.

#### **G Flooding (ULP Policy GEN3 and the NPPF)**

- 9.71 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. The application site is in flood zone 1 and therefore it is concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with ULP Policy GEN3, and the NPPF.

#### **H Climate Change (UDC Interim Climate Change Policy 2021)**

- 9.72 Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance.

- 9.73 The application includes a Planning Statement and Sustainability Statement which have made due consideration to the adopted Interim Climate Change Policy, which advises the proposed development has been designed to address the Climate and Ecological Emergency declared by U DC in 2019 and more recent Interim Policy regarding Climate Change (February 2021).

- 9.74 The statement set out that in respects to energy efficiency the fabric efficiency well above standard requirements in order to reduce energy demand. Furthermore, each dwelling is proposed with an air source heat pump and photo voltaic panels. These measures are in line with professional recommendations and will mean that the development would save over 5 tonnes per annum of carbon dioxide emissions to the atmosphere, compared to a development built to standard building regulations.

- 9.75 The sustainable design of the development has considered numerous factors. These include:

Reducing carbon dioxide through renewable energy and reduced energy demand, including fabric improvements, solar panels, and air source heat pumps

- Water Conservation Measures
- Flood Risk
- The use of recycled, responsibly sourced and sustainably manufactured building materials
- Waste and Recycling
- Landscape Design

- Ecological measures, including a substantial off site Ecology Area in addition to on site ecological measures
  - Promoting sustainable travel choices e.g Electric Vehicle Charging Points, Home Working facilities, new footpath linking the site to High Street bus stops and provision of Travel packs with vouchers for use on public transport
- 9.76 Resource and water efficiency have been maximised, whilst the production of waste and pollution is to be kept to a minimum, ensuring the impact of the proposals on its surroundings and the environment is reduced.
- 9.77 The design to meet energy standards and ensuring the dwellings are capable of adopting future technology, the application will respond directly to the Uttlesford District Council's policies as it targets to significantly reduce carbon dioxide emissions above the Building Regulations 2013 Part L requirement.
- 9.78 The proposed residential units will be designed to reduce their CO2 emissions by 60.95% below the Building Regulations 2013 (TER) minimum requirements. This equates to a saving of 5.11 tonnes of CO2 per year and will be achieved with the use of a highly efficient building fabric, individual ASHPs and the installation of 7.5 kWp of photovoltaic cells (PV). Electric vehicle charging points will be included in all dwellings.
- 9.79 The landscaping strategy provides a harmonious integration with local ecological features as well as protecting habitats for existing wildlife through the planting of native species of trees and shrubs. It will include:
- Mixed hedgerow to all boundaries;
  - Hedge planting to include Hawthorn, Hazel, Blackthorn, Dog Rose, Crab Apple, Field Maple and Dogwood;
  - Bird nesting boxes and bat boxes throughout the site;
  - A number of hedgehog highways will be installed to fences/hedgerows;
  - Selection of fruit trees within garden areas;
  - Selection of plants that rely on limited water for establishment;
  - Selection of local plant materials to minimise transport footprint;
- 9.80 A new 0.29 acre ecological area will be provided to the north of the site. This area is to be planted with trees and wild flowers within the grassland. An ecology pond with a bog area will also be created for wildlife. The pond will provide a 'beach' area for access for wild birds and other animals. The new ecological area will increase wildlife to the locality by increasing habitat.
- 9.81 The proposed measures will ensure the proposed development appropriately addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy. Compliance with climate change objectives of the NPPF and Uttlesford Interim Climate Change Policy.

## **I Planning Balance (NPPF)**

- 9.82 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52years (Five Year Housing Land Supply update April 2021)
- 9.83 Paragraph 11 of the NPPF considers the presumption of sustainable

development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of- date. This includes where the five year housing supply cannot be delivered. As the Council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

9.84 The following breaks down the economic, social and environment benefits of the development:

9.85 Economic:

- Short term benefits during the construction phase, with benefit to local companies e.g. contractors, sub-contractors, trades and suppliers.
- Occupiers of the houses would contribute to the local economy in the long term, in Widdington and surrounding areas
- Increased pool of potential customers for the local bus service could bring improved viability
- The dwellings are designed with home office to encourage working from home, enabling the prospects of an economically active additional population

9.86 Social:

- The construction of four dwellings to contribute to the 5 Year Housing land supply,
- 3 x 3 bed dwellings meeting highest housing size need as indicated in Uttlesford's SHMA
- 1 x 2 bed bungalow to meet other housing needs,
- Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies
- High quality built environment, accessible to local services, including those which can be reached via the regular bus service to other nearby settlements

9.87 Environmental;

- Quality build and design, fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. The development will save over 5 tonnes of carbon dioxide emissions to the atmosphere compared to a scheme which meets Building Regulations
- Each dwelling would also be provided with an electric vehicle charging point
- Significant new tree planting which will bring ecological and environmental Benefits

- Opportunities to make improvements to certain vegetation along Cornells Lane, secured by landscaping condition,
- Biodiversity net gain in the form of the proposed off site ecological area measuring 0.29 acres,
- Provision of pleasant landscaped footpath corridor for use by the public via permissive rights
- Removal of overhead power line and apparatus by grounding cables, for visual benefit
- Delivery of high quality design with appropriate scale, form, density, architecture and materials, adding to the overall quality of housing in the village

9.88 As set out in section B of this report the proposal will result in limited low level harm to the character and appearance of the rural site and both designated and non-designated heritage assets. The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (i)).

## **10. EQUALITIES**

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

10.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

## **11. CONCLUSION**

11.1 The location of the current proposed development of 4 dwellings is largely seen to accord with the NPPF on sustainable development, and with Policies S7 and GEN1 of the Uttlesford Local Plan 2005.

11.2 The proposed layout, scale and appearance of the development is acceptable in the context of the character and appearance of the site and surrounding area.

11.3 The level of harm to the designated and non-designated heritage assets is considered low level. The benefits have been weighed against this.

- 11.4 The landscaping details are considered appropriate however more detailed plans will be required and secured by condition. Therefore the proposal accords with ULP Policies S7, GEN2, and ENV3.
- 11.5 The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.
- 11.6 The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).
- 11.7 The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.
- 11.8 The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole NPPF Paragraph 11d (i).
- 11.9 **RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS**