



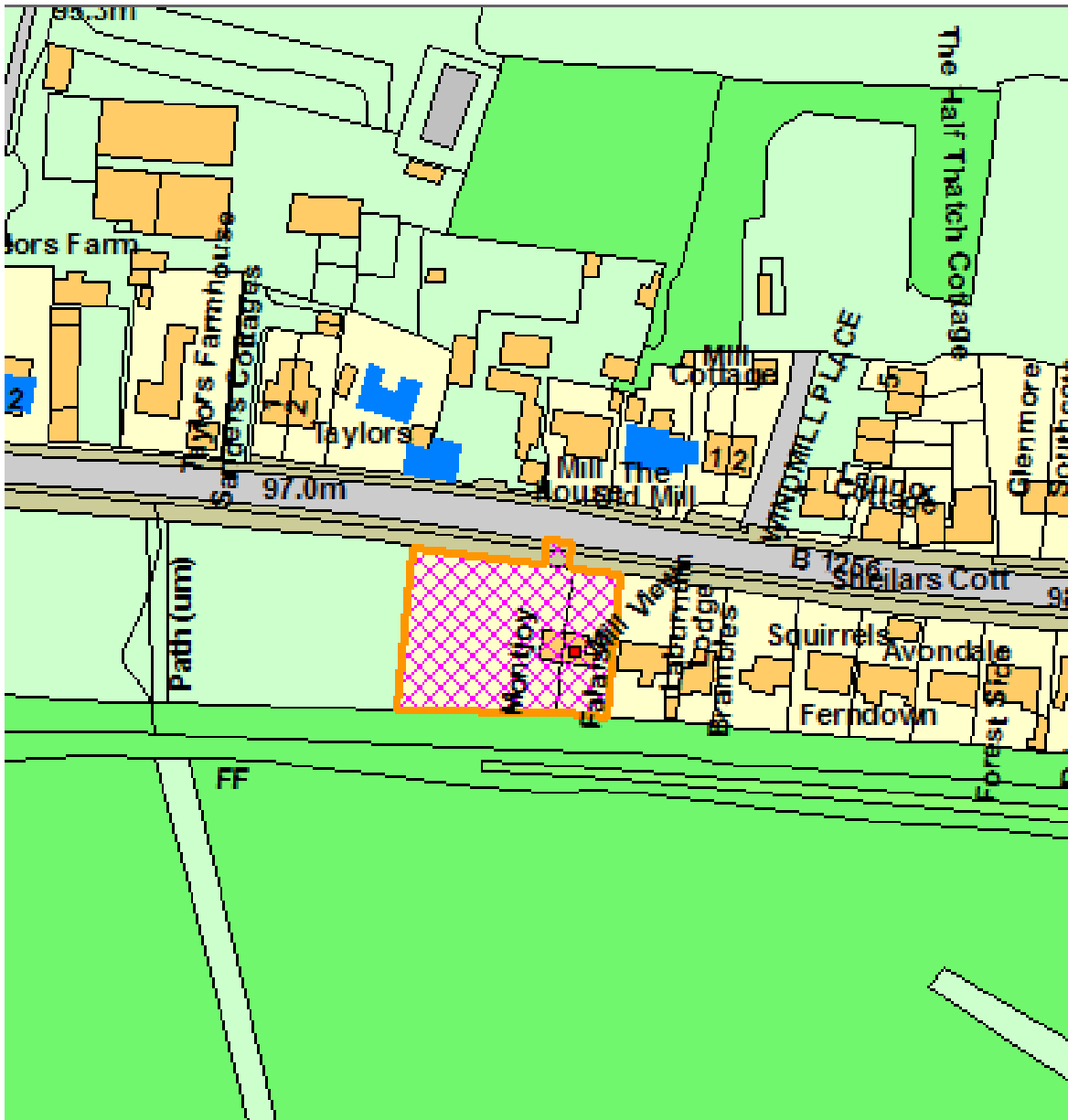
ITEM NUMBER: 5

PLANNING COMMITTEE DATE: 13TH APRIL 2022

REFERENCE NUMBER: UTT/21/3095/FUL

LOCATION: FALAISE AND MONTJOY, THE STREET,
TAKELEY

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: April 2022

PROPOSAL: Demolition of existing pair of semi-detached dwellings and the construction of six new residential dwellings and associated access, parking and landscaping.

APPLICANT: Mr D Amott and Family

AGENT: Mr A Stevenson

EXPIRY DATE: 10th December 2021

EOT Expiry Date 20th April 2022

CASE OFFICER: Madeleine Jones

NOTATION: Part within Development Limits/outside Development Limits.
Within 100m of SSSI, Within 100m of Local wildlife site.
Within 250m of Ancient Woodland.
Within 6km of Stansted Airport.
Part of site within Countryside Protection Zone

REASON THIS APPLICATION IS ON THE AGENDA: More than 5 dwellings outside Great Dunmow, Saffron Walden and Stansted.

1. EXECUTIVE SUMMARY

- 1.1** This application is for the demolition of a pair of semi- detached dwellings and the erection of six dwellings and associated access parking and landscaping.
- 1.2** The application site is located within a sustainable location.
- 1.3** In view of the lack of 5YHLS the benefits are considered to outweigh the countryside harm.

2. RECOMMENDATION

That the Interim Director of Planning and Building Control be authorised to GRANT permission for the development subject to those conditions set out in section 17 of this report.

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The site is located to the south of the B1256, Takeley.
- 3.2 The site is 0.19 hectares and consists of a pair of semi-detached properties and residential garden.
- 3.3 To the south of the site is the Flich Way, a local wildlife site and beyond that Hatfield Forest (SSSI).
- 3.4 There are three listed buildings opposite/close to the site. Taylors (1322556) Grade II, Old mill (1168993) Grade II.

4. PROPOSAL

4.1 The proposal is supported with the following documents:

- Transport Statement
- Arboricultural Impact Assessment
- Heritage Statement
- Bat Surveys
- Planning Statement
- Preliminary Ecological Appraisal
- Biodiversity Checklist

4.2 The proposal is for the demolition of existing pair of semi-detached dwellings and the construction of six new residential dwellings and associated access, parking and landscaping.

4.3 The proposed dwellings would comprise of semi-detached houses, each having three bedrooms and being two stories in height.

4.4 A planted buffer will be maintained between the edge of the development and the Flich Way and there would be a landscape buffer between the front of the site and the footpath.

4.5 Each dwelling would have two parking spaces and there would be two additional visitor parking spaces provided.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1	Reference	Proposal	Decision
	DUN/0024/50	Caravan site	Refused.

UTT/21/1577/FUL	Site to west Erection of 2 no. residential dwellings with parking and new access	Approved with conditions
UTT/18/2049/FUL	Site to west. Erection of 8 no. residential units and associated parking.	Allowed at appeal.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

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

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council object to this application.

9.2 Existing overburdening of water and sewerage amenities will be amplified. Residents already experience incidences where sewerage floods into their properties. Low or non-existent water pressure is also a significant issue for residents throughout the village.

9.3 Takeley cannot support further development when basic amenities are already stretched. We cannot stress in strong enough terms the extent to which existing residents are already suffering huge issues with water pressure and sewerage.

9.4 The proposed development will result in significant changes to the openness of street scene resulting in the urbanisation of a rural village and ultimately at either end of the parish coalescence with Bishops Stortford, Dunmow and beyond.

9.5 Development within this area will have a permanent detrimental effect upon listed buildings and the heritage of the settlement. Listed buildings which form the character and celebrate the history of our parish are being surrounded by extensive development and modernisation.

9.6 We query whether this development encroaches on the CPZ and village limits, it certainly reduces the openness of the countryside. The proposed development borders the Flich Way and will directly result in increased footfall to Hatfield Forest.

10. CONSULTEE RESPONSES

10.1 **London Stansted Airport - Aerodrome Safeguarding**

10.1.1 No aerodrome safeguarding objections to the proposal subject to conditions.

10.2 UDC Environmental Health

10.2.1 No objections.

The site is in the vicinity of the 57dB LAeq noise contours for Stanstead airport which may cause adverse noise impacts to occupiers from intermittent aircraft noise. The background noise levels may also be elevated due to traffic from the A120 which lies to the north. Whilst this may not be considered a barrier to development, it is important to ensure that a suitable noise mitigation scheme is incorporated into the design and construction of the new dwellings to ensure future occupiers are able to enjoy a good acoustic environment.

Our records show that the proposed development is in the vicinity of a disused railway line which could have potentially given rise to ground contamination. However, the Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, on the proposed site itself. However, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site therefore the following condition is requested:

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

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles.

A condition requiring charging points for electric vehicles is requested.

10.3 NATS Safeguarding

10.3.1 No objections

10.4 Place Services (Conservation and Heritage)

10.4.1 Falaise and Montjoy are a pair of semi-detached twentieth-century houses at the end of a row on the south side of The Street. There are three Grade II listed buildings opposite the Site on the north side of The Street:

- Taylors (list entry no: 1112213), a fifteenth-century hall house with crosswing, timber-framed and plastered with a red plain tiled roof.

- Four-bay Barn to south east of Taylors (list entry no: 1322556), an eighteenth-century timber framed and weatherboarded barn with corrugated iron roof.
- The Old Mill public house (list entry no: 1168993), a mid-seventeenth century house, timber framed and plastered with a half-hipped tiled roof, now in residential use.

10.4.2 The proposed garages to the front of the properties have been omitted and the space allocated to parking. The omission of the garages is a positive as it would preserve more of the openness of the front garden which is a characteristic of the area. However, it appears that the whole front garden area would be given over to parking and hardstanding which would reduce the green, verdant character of this part of the Street.

10.4.3 Concerns remain about the density of development on the site, which does not follow the loose grain of the area of primarily detached dwellings with generous gaps between buildings and would have a suburbanising impact on the area. The incremental development along the south side of the Street is eroding the area's historic character. Reducing the number of buildings on the site to two would be more in keeping with the surrounding pattern of development, providing a more generous plot size for each dwelling. In my view, the present proposals would not make a positive contribution to local character and distinctiveness, contrary to NPPF (2021) para 197c.

10.5 Place Services (Ecology)

10.5.1 No objection subject to securing biodiversity mitigation and enhancement measures.

10.6 Crime Prevention Officer

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

We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.7 Friends of Flitch Way

10.7.1 The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops

Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).

10.7.2 The proposed development site as seen from the Flitch Way, has a rural character which would be lost if the site was developed.

10.7.3 We also have grave concerns about the location of the building site. The plan shown in the Planning Statement is totally inaccurate as the area includes the Flitch Way. We could find no reference to a specific buffer zone with the Flitch Way. If planning is approved, any such buffer zone should be at least 5m and start from the northern boundary of the Flitch Way LNR as marked by the old concrete posts showing the railway boundary. Any buffer planting schemes should be agreed with Essex Country Park Rangers

10.7.4 To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused due to the impact it would have on the character and appearance of the Flitch Way, wildflowers and wildlife. Part of the application site was open grassland and this part of the Flitch Way was used as grazing land alongside the Forest. If this is in-filled with housing, there will be hardly any green spaces left between the Flitch Way and the B1256.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 29 notifications letters were sent to nearby properties. Expiry date 12th November 2021

11.2 **Object** - three representations were received objecting to the proposal

11.2.1 Outside Development Limits

11.2.2 Countryside Protection zone- The development would add to ribbon development along the Street, damage the Countryside and Hatfield Forest. The Forest is becoming completely surrounded by unnecessary housing and damaged by footfall. You cannot mitigate against that.

11.2.3 Two families will be made homeless by the needless demolition of this property.

11.2.4 There is no ready access to schools, doctors or shops. Driving to work is the only realistic option - i.e. not sustainable. There is no direct bus to school, doctor or Stansted Airport.

- 11.2.5** It would contribute significantly to the existing traffic problems. Traffic could go to the M11 – already recognised as at capacity, or to the 4 Ashes, again at capacity. These would be commuter homes or at best airport related jobs - i.e. pressure on the cited junctions.
- 11.2.6** It would not contribute to the local economy through access to services within Takeley - i.e. two shops and a chemist.
- 11.2.7** The land is not underutilised. It is used by a childminder and the large garden is a play area - which will be destroyed.
- 11.3.8** Recent local developments should not be a precedent for this site. This was made clear by the Planning Inspectorate.
- 11.2.9** The dwellings are proposed to be set back. The cart lodges however are proposed forward of the principal elevation of the main dwellings, immediately adjacent to the highway. This will have a significant effect on the current street scene and its openness and rural character. Worsened by the fact it will be the rear of the cart lodges directly visible from the street. The dwelling directly on the west of the site 'Grasmere' was refused a garage (UTT/14/0982/HHF) proposed forward of the main dwelling for this very reason.
- 11.2.10** The buffer proposed between the edge of the development and the Flitch Way appears to be a section of the Flitch Way Country Park, belonging to Essex County Council. Further clarification is needed here. If this is the case many of the trees surveyed here are the property of Essex CC and not the site. This wouldn't be the first developer who is including part of the Flitchway in their proposal. I would like to think ECC Country Parks-Flitchway have been consulted regarding this proposal.
- 11.2.11** Bin stores on the plans are located the very end of the rear gardens. This is not an adequate location when bins need to be emptied kerb side. This will likely result in bins being left on the roadside rather than being returned to the end of back gardens, especially through the winter months when householders return home after dark. The bin stores need relocating closer to the highway to prevent bins from being left out on the footway.
- 11.2.12** The submission incorrectly states there are facilities and services within walking distance of the site such as shops, schools and cultural and religious buildings. These facts are inaccurate. There are NO schools within walking distance of the site, and no direct bus links for Priors Green primary (at capacity) or Gt Dunmow. You need a car even to use the nearest convenience store. Bush End church is approaching a couple of miles, with no foot way.
- 11.2.13** Takeley and Little Canfield are ever expanding with numerous developments underway, some approved and others currently pending nearer to the village centre. Therefore, it is simply unsustainable to keep

slapping odd houses up here and there in inappropriate locations. Takeley has a pharmacy but does NOT have a doctor's surgery, unlike Stansted, Dunmow, Elsenham, Hatfield Broad Oak, Hatfield Heath, Newport etc which do all have their own GP practices. This will result in further car use as there is no satisfactory bus service to any of these surgeries from the site.

- 11.2.14** I assume the National Trust were a consultee, considering the proximity of the proposal in relation to Hatfield Forest. The SSSI site is under extreme pressure from footfall and risks any recovery becoming unfavourable.
- 11.2.15** Bishops Stortford and Gt Dunmow are not easily accessible from the site. There is no direct bus link to Gt Dunmow with travellers requiring two buses either way. Bishops Stortford is more than the stated 5 minutes away and can only be accessed via the M11 Jct 8 roundabout, which is at full capacity.
- 11.2.16** The absence of a five-year land supply is consistently seen as an invitation to build. Although there might be an absence throughout the district this is not the case for Takeley, which has seen significant development and is still undergoing major proposals near the centre of the village. The Street itself was historically a hamlet, separate from the main village of Takeley Street. However, it has seen numerous demolitions, rebuilds, infilling, back land and ribbon development, to the extent Takeley Street has entirely lost its identity.
- 11.2.17** Stansted Airport and its associated businesses are considered the main employer in the area. The global pandemic has affected the airport industry dramatically resulting in many job losses across its work force. The airport is unlikely to reach the capacity levels it was prior to the pandemic for a several years, impacting on local employment and the need for further housing developments in this locality. In fact, property prices in this location do not reflect on local earnings. We actually need affordable housing these will not be affordable.

12. MATERIAL CONSIDERATIONS

- 12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 12.2** Section 70(2) of the Town and Country Planning Act 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,
- (a) 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.

12.3 Section 66(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.

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)

13.0 POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- S7 – The countryside Policy
- S8 - The Countryside Protection Zone
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN3 -Flood Protection Policy
- GEN4 - Good Neighbourliness Policy
- GEN5 –Light Pollution Policy
- GEN7 - Nature Conservation Policy
- GEN8 - Vehicle Parking Standards Policy
- H9 - Affordable Housing Policy
- H10 - Housing Mix Policy
- ENV2 - Development affecting Listed Buildings Policy
- ENV14 - Contaminated Land

13.3 Supplementary Planning Document or Guidance

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)

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 A) Principle of development (NPPF, ULP Policies S7 and S8)

B) Design and impact on neighbour's amenity and impact on setting of Listed building (ULP policies GEN2 and ENV2)

C) Highway safety and parking (ULP policy GEN1, GEN8)

D) Biodiversity (ULP Policies GEN7, ENV7 and ENV8)

E) Drainage and flooding (ULP policy GEN3)

F) Contamination (ULP Policy ENV14)

14.3 A) Principle of development (NPPF, ULP Policies S7 and S8)

14.3.1 The site is partially located within development limits and partially outside development limits for Takeley. It is also located within the Countryside Protection Zone.

14.3.2 The site is therefore subject to the provisions of policy S7 of the adopted Local Plan 2005, policy S3 and policy S8 of the adopted local plan.

14.3.3 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance with paragraph 6.13. Development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there or is appropriate to a rural area.

14.3.4 Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This includes infilling in accordance with paragraph 6.13. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the

requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy. The proposal does accord with the more up to date policy at paragraph 78 of the NPPF which supports the growth of existing settlements.

14.3.5 Paragraph 5 confirms that the NPPF is a material planning consideration. Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5YHLS of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.52YHLS.

14.3.6 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 11 of the NPPF.

14.3.7 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment. Due to the Council not having a 5YHLS then the tilted balance of the NPPF would apply and as a consequence, sites that are located in the countryside are being considered for residential development by the council to address this shortfall.

14.3.8 Economic:

The NPPF identifies this as contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure. The proposed development would provide economic benefits by the provision of jobs during the construction phase, although these would be of a temporary nature and additionally it would also support existing local services, as such there would be some positive economic benefit.

14.3.9 Social:

The proposal would deliver social benefits by the way of the provision of 4 additional houses, this would be a benefit given the lack of a 5YHLS in the district. The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Takeley has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact

on the character of the area. This impact would need to be weighed against the benefits.

- 14.3.10** The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places. Takeley also does not have any doctors or dentists within the village.
- 14.3.11** The site is well served by bus routes, providing access between Bishops Stortford to the west and Great Dunmow to the east to further facilities. The nearest bus stops are located directly outside of the application site along Dunmow Road. The nearest rail station is Bishops Stortford which is located five miles from the site. This is accessible by bus and provided trains to London, Cambridge and Stansted. This would have some weight in favour of the positive contribution the proposal could make in these regards. Whilst the facilities within the village and the public transport provision are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer the opportunity for alternative means of accessing services and facilities. In terms of the rural nature of the district, the facilities and public transport options are relatively good and can offer alternative means which thereby helps reduce the need and reliance on private cars.
- 14.3.12** Environmental:
- The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is located to the west of Takeley centre and is bounded by residential development to the west, east and north and by the Flitch Way to the south and Hatfield Forest which is a SSSI. The development along this road is linear in nature. There is a tree lined boundary separating the site from the Flitch Way (which is a linear country park) and Hatfield Forest beyond.
- 14.3.13** The site also lies within the Countryside Protection Zone beyond development where S8 applies.
- 14.3.14** Policy S8 requires that there will be strict control on new development, In the Countryside protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the countryside.
 - b) It would adversely affect the open characteristics of the zone.
- 14.3.15** Within the relatively recent appeal decision on a site to the west, (appeal reference APP/C1570/W/19/3243727) application UTT/18.2049/FUL, the Inspector stated” in terms of coalescence, the appeal site is located on

the south side of the B1256 Dunmow Road towards the outer edge of a ribbon of development that extends westward out of Takeley towards Start Hill. Crucially the appeal site is bounded to the west by a row of five detached houses. The development would partially infill the gap between these houses and those to the east. There are houses opposite the appeal site on the northern side of Dunmow Road. Therefore, and as a matter of fact, there would be no physical coalescence between the settlement of Start Hill and Takeley nor between the airport and existing development in the surrounding countryside, the latter being the principle aim of Policy S8.” It is considered that this would also apply to this application site. There are dwellings opposite, to the east and two dwellings were approved to the east under application UTT/21/1577/FUL in July 2021.

14.3.16 The introduction of built form in this location would result in some harm to the openness and character of the rural area and is therefore contrary to the aims of policy S7 and S8.

14.3.17 The development of this site for residential purposes would not be unduly out of character with the area. due to the buffer with the Flitch Way, the development when viewed from the Flitch Way (taking into account the development allowed at to the west and the exiting development to the east) would not be so harmful to warrant refusal of the proposal

14.3.18 The two dwellings to be demolished are located within development limits where policy S3 applies. Policy S3 states that development compatible with the settlement’s character and countryside setting will be permitted within these boundaries. The proposed dwellings are considered to be compatible with the settlements character of linear development and set back from the road and therefore the proposed dwellings to the eastern half of the site would comply with policy S3.

14.3.19 It is considered that the weight to be given to the requirement to provide a 5YHLS and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development

14.4 B) Design and impact on neighbour’s amenity and impact on setting of Listed building (ULP policies GEN2, H10 and ENV2)

14.4.1 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposal would not result in a material detrimental impact on neighbour’s amenity by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide.

- 14.4.2** The application has been revised and the garages to the front of the site have been removed from the proposal. to reflect the comments of the specialist conservation officer. The design and scale of the proposed dwellings is now considered appropriate for this location.
- 14.4.3** Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. All of the properties would have three bedrooms. The proposal, complies with the requirements of Policy H10.
- 14.4.4** All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+ The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 14.4.5** Local Plan policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places. To the east of the site, the dwellings are in a linear row and consist of detached dwellings of various scale and design.
- 14.4.6** The council has adopted an Interim Climate Change Planning Policy. Each new dwelling would have an electric charging point. And the development aims to use key energy efficiency initiatives including:
- Highly insulated building fabric
 - Maximising the controlled use of passive solar energy in the layout and orientation of buildings and windows
 - Maximising the use of passive ventilation
 - Using energy-efficient window glazing and frames
 - Increasing air tightness in the building envelope
 - Making use of thermal mass and insulation
 - Installing energy-efficient lighting and appliances

In regard to sustainability, they have adopted the following hierarchy of priorities for providing energy for heating, lighting, and cooling:

- Lean: using less energy in construction and operation by incorporating sustainable design and construction measures, and by specifying energy efficient lighting and appliances.
- Clean: supplying energy efficiently by prioritising decentralised energy generation; and
- Green: using renewable energy. Before decentralised or renewable energy technologies are considered, the first priority is to reduce energy consumption. This means making the building fabric more efficient to minimise energy loss, taking steps to reduce the need for electric lighting, heating, mechanical ventilation and cooling and specifying energy efficient lighting and appliances.

- 14.4.7** The scale and design of the proposed dwellings are considered to be appropriate for this site and that the proposal would comply with the aims of ULP policy GEN2.
- 14.4.8** On the opposite side of the road are three grade II listed buildings. Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. The proposal would affect the setting of these buildings.
- 14.4.9** The heritage assets are separated from the site by the Dunmow Road. This ensures that the proposed development maintains a semi-rural character and protects the nearby heritage assets. The omission of the garages is a positive as it would preserve more of the openness of the front garden which is characteristic of the area. Additional landscaping to the front boundary would also be in keeping with the rural character of the area.
- 14.4.10** Specialist conservation officers raise concerns about the density of the development on the site, which does not follow the loose grain of the area of primarily detached dwellings with generous gaps between buildings and would have a suburbanising impact on the area. They add that the incremental development along the south side of the Street is eroding the area's historic character. They suggest that reducing the number of buildings on the site to two would be more in keeping with the surrounding pattern of development, providing a more generous plot size for each dwelling. They consider that the present proposals would not make a positive contribution to local character and distinctiveness, contrary to NPPF (2021) para 197c. Notwithstanding the above, there has been a change in character to the setting of the above heritage assets. More modern development has taken place along the south side of Dunmow Road resulting in ribbon development.
- 14.4.11** The conservation officer also stated that the setting of the Old Mill public house is now primarily formed by dwellings on either side and opposite to it. The open garden of Falaise and Mountjoy preserve an element of

the original open aspect looking south towards the Hatfield Forest from the pub, so further infilling the south side of the Street would cut the listed building off from its remaining rural context. However, today, it is experienced and understood as part of the linear urban development along the Street and it is therefore considered that development on the site would not substantially alter the setting of the Old Mill public house.

- 14.4.12** The NPPF, however in section 11 states that Planning decisions should promote an effective use of land in meeting the need for homes and other uses. The existing use of the land is residential and garden land. The proposed dwellings are similar in design to those approved under UTT/21/1577/FUL. Those dwellings were immediately opposite Taylors and the listed barns, and they were considered by another conservation officer to be proportionate and to respond to the setting of the listed buildings and local character and distinctiveness as per paragraph 197 of the NPPF The proposed dwellings would cause less harm to the setting of the Heritage assets than those previously approved.
- 14.4.13** Taylors and the Barn are located to the north of the Street. The area of land to the south of the Street, immediately to the south of Taylors would remain partly open, preserving this aspect of its setting. Therefore, it is considered that the development would have a limited impact on the settings of the listed buildings
- 14.4.14** On balance, taking into account the councils lack of 5YHLS the benefits of the scheme outweigh the limited harm to the character and settings of the Listed Buildings and rural setting of the area.
- 14.5 C) Highway safety and parking (ULP policy GEN1, GEN8)**
- 14.5.1** Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.
- 14.5.2** A transport statement has been submitted with the application and ECC Highways officers consulted. They raise no objections, subject to conditions. The proposal would comply with the aims of policy GEN1.

14.5.3 The proposed properties would all have three bedrooms. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for three-bedroom dwellings. The proposal meets these standards.

The proposals comply with policy GEN8 of the adopted Uttlesford Local Plan 2005.

14.5.4 Recently the council has adopted an Interim climate change Planning Policy requiring all new homes to be provided with at least one installed fast charging point. This can be achieved by a suitably worded condition.

14.5.5 There would also be two unallocated parking spaces within the development to provide visitor parking.

14.5.6 The proposals comply with policy GEN8 of the adopted Uttlesford Local Plan 2005.

14.6 D) Biodiversity (ULP Policies GEN7, ENV7 and ENV8)

14.6.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.6.2 To the south of the site is the Flich Way, a Local wildlife Site, and beyond that is Hatfield Forest a SSSI.

14.6.3 The application is supported by an Arboricultural Impact Assessment, a Bat Surveys, a Preliminary Roost Assessment report and a Preliminary Ecological Appraisal. The mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Adonis Ecology Ltd., June 2021) and Nocturnal Bat Surveys report (Adonis Ecology Ltd., August 2021) should be secured and implemented in full.

This is necessary to conserve and enhance protected and Priority species particularly Hazel Dormice, nesting birds and mobile mammal species.

14.6.4 Given the site lies within an Amber Risk Zone for the Great Crested Newt District Level Licensing (GCN Risk Zones (Essex) | Natural England Open Data Geoportal (arcgis.com)) and suitable habitats are present in close proximity to the site, it is considered possible that GCN will be present. However, due to the habitats on site and area impacted, it may be possible to manage potential impacts upon GCN using a precautionary method statement for GCN for the construction stage,

including storage of materials. This precautionary method statement should be secured by a condition of any consent.

- 14.6.5** Additional planting of native hedgerow will be made along the northern boundary, compensating for the loss of hedgerow to create the proposed access point. This can be seen in the Proposed Block Plan, drawing no. 5718 03 REV C. To ensure the management of this hedgerow is for the benefit of wildlife, it should be outlined within a Landscape and Ecological Management Plan (LEMP) This can be secured by a condition of any consent.
- 14.6.6** As stated above the site is located within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 14.6.7** The application proposes biodiversity enhancements including the installation of at least three bat boxes, six bird boxes, two Schwegler Clay and Reed Insect Nests, the provision of native trees and shrubs as well as vertical planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). Specialist ecologist advice is that the reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.
- 14.6.8** Specialist ecological advice is that subject to conditions the proposal is acceptable. In response to the Friends of Flitch Way, the applicant has state that they are willing to provide a small buffer to the rear of the site so that the rear gardens of the new dwellings do not directly back onto the site, whilst maintaining sufficient size gardens. This can be achieved by a suitably worded condition.
- 14.6.9** The proposal would comply with Uttlesford Local plan policies GEN7, ENV7 and ENV8.

14.7 E) Drainage and flooding (ULP policy GEN3)

- 14.7.1** Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years).
- 14.7.2** The applicant is responsible in ensuring that their development makes sufficient allowances for drainage to ground and water courses or to a

suitable sewage receptor and that any surface water is either attenuated or regulated into the receiving public network.

Appropriate details of discharging of foul and surface water will be appropriately addressed during the building regulations. The proposal is considered to be acceptable with regards to ULP Policy GEN3.

14.8 F) Contamination (ULP Policy ENV14)

14.8.1 The proposed development is in the vicinity of a disused railway line which could have potentially given rise to ground contamination. The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, on the proposed site itself. However, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 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.

15.1.2 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.

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

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

16. CONCLUSION

- 16.1** The proposal is on balance acceptable in principle It is considered that the weight to be given to the requirement to provide a 5YHLS and the housing provision which could be delivered by the proposal would outweigh the harm caused.
- 16.2** The design and scale of the proposal is considered to be acceptable. The housing mix for the development is also considered to be acceptable. Adequate amenity space would be provided for all of the dwellings. The proposal would not result in any material detrimental impact by way of overlooking, overshadowing or overbearing impact on neighbours amenity.
- 16.3** The new access is considered to be acceptable and to comply with ULP policy GEN1. Sufficient parking provision would be provided on the site to comply with ULP policy GEN8.
- 16.4** The proposals (subject to conditions) would not adversely affect protected species. As such the proposals comply with policy GEN7.
- 16.5** Appropriate details of discharging of foul and surface water will be addressed during the building regulations.

17. CONDITIONS

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Prior to first occupation, details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels and boundary treatments. Soft landscape works shall include (planting plans; written specifications, schedule of plants, noting species, plant sizes and proposed numbers where appropriate; implementation programme).

REASON: In the interest of visual amenity in accordance with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan 2005.

- 3** Prior to occupation of any dwelling, the provision of a private drive access, as shown in principle on DWG no. 03 Rev. A (Proposed Block Plan) shall be constructed to a width of minimum of 5.5 metres for at least the first 6 metres from the carriageway and provided with an appropriate vehicular crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear

of the limits of the highway, in the interests of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 4** The proposed development shall not be occupied until such time as the vehicle parking area as shown in principle on DWG no. 03 Rev. A (Proposed Block Plan) shall be provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 5** No unbound material shall be used in the surface treatment of the highway within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 7** 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 opportunities, including walking, cycling, and local car clubs and other alternatives to the private car, as approved by Essex County Council. Such packs should 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 the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 8** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 9** Prior to any above ground development a scheme shall be submitted for the protection of the dwellings hereby approved from noise from road transport sources for approval in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter

REASON: To protect human health and the environment and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV14

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

REASON: To protect human health and the environment and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV14

- 13** No landscaping development to take place until details of the species are submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike Avoidance, in accordance with the adopted Uttlesford Local Plan 2005 Policy GEN2

- 14** During demolition & construction robust measures must be taken to control dust and smoke clouds.

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with the adopted Uttlesford Local Plan 2005 Policy GEN2

- 15** During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with the adopted Uttlesford Local Plan 2005 Policy GEN2

- 16** All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN.

- 17** No reflective materials to be used in the construction of these buildings. (*please liaise with STN to check).

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the adopted Uttlesford Local Plan 2005 Policy GEN2

- 18** No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be necessary.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport, in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2

- 19** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Adonis Ecology Ltd., June 2021) and Nocturnal Bat Surveys report (Adonis Ecology Ltd., August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include checks of vegetation for Hazel Dormouse nests and active bird's nests, if required during the breeding season (March to the end of September), no more than 48 hours before the vegetation is cleared.

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

- 19** Prior to commencement a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 in accordance with Uttlesford Local Plan Policy GEN7

- 20** Prior to slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Adonis Ecology Ltd., June 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

- 21** Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including hedgerows, new native trees, shrubs and vertical planting in the public open space.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.

- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 in accordance with Uttlesford Local Plan Policy GEN7

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

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

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

23 The proposed permanent dwellings shall be built to Category 2: Accessible and adaptable dwellings (M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect,

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

24 Infrastructure for a single electric vehicle fast charging point shall be installed at all of the proposed dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework 2021.