



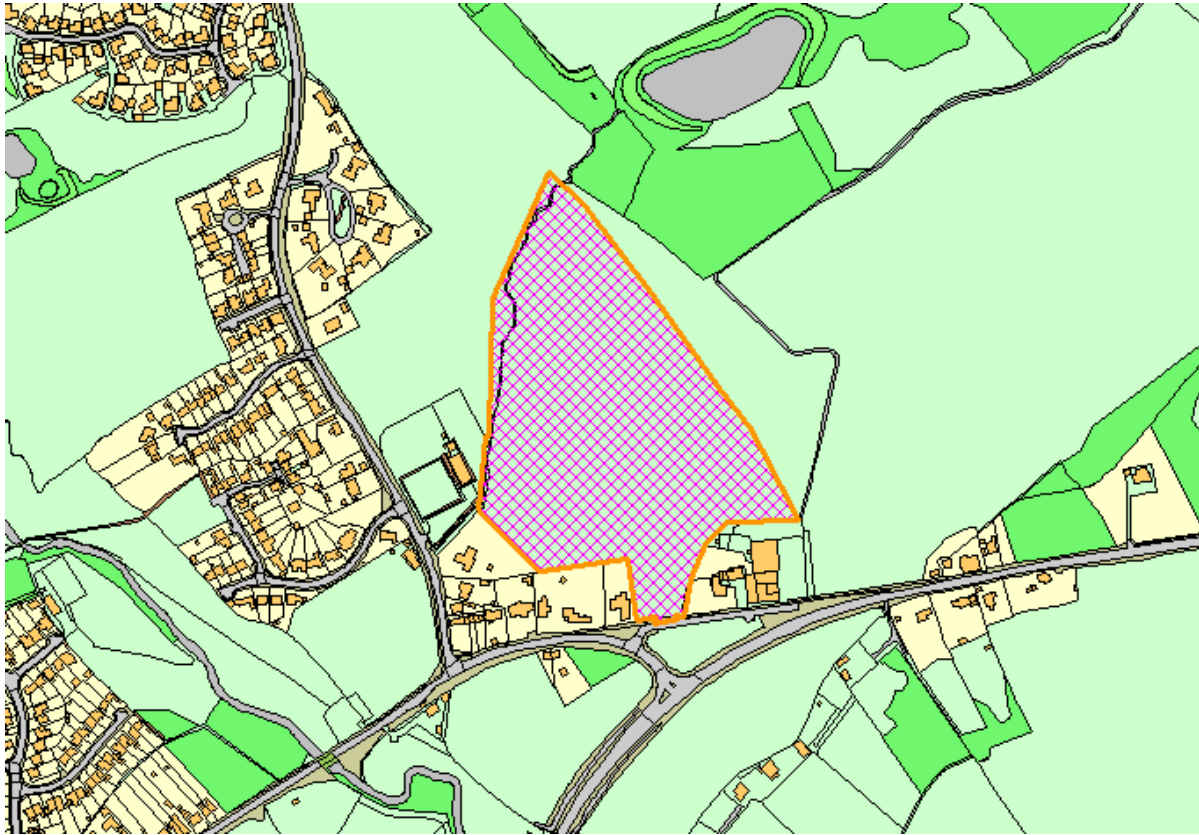
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 13th April 2022

REFERENCE NUMBER: UTT/21/2719/FUL

LOCATION: LAND NORTH OF BRAINTREE ROAD, DUNMOW

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 1st March 2022

PROPOSAL: Proposed erection of 32 no. self-build and custom build dwellings

APPLICANT: J Kirby, JM Kirby, N Rowe R Kirby

AGENT: Sam Bampton

EXPIRY DATE: 2nd December 2021

EOT Expiry Date: 29th April 2022

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits (ULP) / Outside Town Development Area (GDNP)
Within Groundwater Source Protection Zone 2
Archaeological Site - 1301
Within 250m of Landfill Site
Public Right of Way – Footpath (Great Dunmow)
Within 100m of Local Wildlife Site – Ufd250 (W154, W155, W158, M12 (MERKS HALL))
Within 250m of Local Wildlife Site – Ufd250 (W154, W155, W158, M12 (MERKS HALL))
Within 250m of Ancient Woodland – (MERKSHALL WOOD, GREAT DUNMOW)

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

- 1.1** This application is for the proposed erection of 32 no. self-build and custom build dwellings just outside the development envelope to the east of the settlement of Great Dunmow.
- 1.2** The proposal is adjacent to the site previous granted under UTT/19/1508/FUL, for the erection of 22 custom/self-build dwellings, the principle of this type of development has been established and would be appropriate for the locality.

- 1.3 This proposal would contribute 32 dwellings towards the Local Planning Authorities 5yhrs, bring financial contributions towards education, transportation improvements within Great Dunmow, it would also provide local employment for the life of the build.

2. **RECOMMENDATION**

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

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is located on the east side of St Edmunds Lane, it comprises an irregular shaped grade 3 arable field (agriculture), consisting of 2.7 ha (stated), which lies to the southeast of the first phase of development by the applicant.
- 3.2 This first phase was approved under LPA reference UTT/19/1508/FUL, for the erection of 22 custom/self-build dwellings and was subject to a Unilateral Undertaking, following the resolution of Uttlesford DC Planning Committee to approve the scheme at their meeting of the 06th May 2020.
- 3.3 A public footpath lies to the west of the application site and currently runs between the proposal site and the previously granted under UTT/19/1508/FUL.
- 3.4 An Archaeological Site lies to the north-eastern boundary of the site, to the southern boundary of the site there are 2 no. Grade II Listed Buildings consisting of 'Ford Farmhouse' and 'Ford Farm barns' located to the east of the proposed new access into the site.

4. **PROPOSAL**

- 4.1 This full application proposal relates to the erection of 32 no. self-build and custom dwellings with associated parking provision, new service

road to include new access onto the unclassified Braintree Road, and associated drainage works.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
DUN/0184/59	Site for residential development	Refusal
DUN/0620/69	Site for residential development	Refusal
UTT/1269/85/GD	Outline application for erection of 6 bay ambulance station complete with offices and amenities and construction of new access	No Objections
UTT/1018/88	Change of use from hotel and restaurant to offices in Class B1	Approve with Conditions
UTT/1667/90	Outline application for proposed extensions to existing hotel to approx 50 bedrooms	Withdrawn
UTT/1300/91	Extensions to existing hotel to provide 32 bedrooms. Construction of new access	Refusal
UTT/1301/91/LB	Demolition of part of hotel & erection of extension to provide 32 bedrooms	Refusal
UTT/14/0075/FUL	Proposed erection of 2 no. dwellings with associated garaging, landscaping and access	Withdrawn
UTT/15/2274/FUL	Proposed erection of pair of private dwellings with garaging and associated landscaping	Refusal (Appeal Dismissed)
UTT/20/1744/FUL	Proposed 30 no. Self-build and custom dwellings	Refusal (Appeal in Progress)

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 Pre-application advice with the Local Planning Authority has not been undertaken on this application by the applicant.
- 7.2 Due to Covid-19 the ability to undertake public consultation have been limited.
- 7.3 The principle of developing this site was presented at a public exhibition as part of engagement with the local community in relation to the proposals that were subsequently the subject of planning application UTT/20/1744/FUL.
- 7.4 The exhibition was held on Tuesday 10 September 2019 between 2.30pm – 8.00pm, at Foakes Hall, Great Dunmow; between 2.30 and 3.30 it was a private session for members of the Town Council, and from 3.30 – 8.00pm it was open to members of the public.
- 7.5 Notice of the exhibition was advertised for two weeks in the Dunmow Observer and the Saffron Walden Reporter, and the advert was available on-line in the papers' websites for a period of three weeks.
- 7.6 It must be noted that at this stage the site was identified for a care village. It is estimated that between 60 – 80 people visited the exhibition.
- 7.7 On the 4th June 2019 the applicant and members of the Town Council at Graces Lane, at which the project was discussed.
- 7.8 Following the change in the proposals from a care village to custom build housing, the agent engaged with members of the Town Council via 'Zoom' meetings on 18th February 2021 and again on the 20th May 2021, to discuss the proposals and answer any questions prior to a formal submission.
- 7.9 A site meeting between the agent and Town Council also took place on 10 June 2021, and the agent made a presentation to the Town Council Committee meeting of 1st July 2021.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1 The applicant has revised and repositioned the access arrangement and has now satisfactorily addressed the outstanding Highway Authority's concerns.

8.2 Local Flood Authority

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

New information received.

We also have the following advisory comments:

- Investigate the existing water course capacity and also include it in your strategy.
- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

9. TOWN COUNCIL COMMENTS

9.1 No consultation response.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to the imposition of conditions regarding:

- Report contamination to the LPA if discovered during works.
- Provision of electric vehicle charging points.

10.2 UDC Landscape Officer/Arborist

10.2.1 No comments towards this application.

10.3 Place Services (Conservation and Heritage)

10.3.1 The development would cause less than substantial harm to the setting of Ford Farmhouse and Ford Farm Barns. Because of the historical link between the heritage assets and the land forming the application site, this harm is assessed to be at the mid-point of the scale. Paragraph 202 of the NPPF (2021) should therefore be applied.

10.4 Place Services (Ecology)

10.4.1 No objections subject to the imposition of conditions regarding:

- Development to be in accordance with the ecology appraisal.
- Submission of a Skylark Mitigation Strategy.
- Submission and approval of biodiversity enhancement layout.
- Submission of a Landscape and Ecological Management Plan.

10.5 Place Services (Archaeology)

- 10.5.1** No objections subject to the imposition of conditions regarding:
- Archaeological Programme of Trial Trenching followed by Open Area Excavation.

10.6 Crime Prevention Officer

- 10.6.1** We do not support or object to the application but would like our observation recorded:

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 self-build development to assist the developer/builders demonstrate their compliance with this policy by achieving a Secured by Design Self Build 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. Details of the Secured by Design Self-Build Award can be found at: <https://www.securedbydesign.com/guidance/design-guides>

11. REPRESENTATIONS

- 11.1** Site notices were displayed on site and 65 notifications letters were sent to nearby properties. As the development concerns major development and affects a public right of way, site notices were displayed near the site and in the local press.

11.2 Support

- 11.2.1** The proposed development would back onto us but we feel the proposal takes into consideration the impact of the environment and the surrounding area. The self-build concept and development plans make this a more desirable and spacious development compared to the many surrounding new build developments.

We also feel that being a local business, this kind of attractive development would support local businesses in a time when they need as much support as possible and will create a legacy in Great Dunmow which will be a big positive for generations to come.

- 11.2.2** Our business is located in close proximity to the proposed development and would like to support the application as it will satisfy some of the local demand for housing whilst also giving support to local businesses which is most welcome.

11.3 Object

- 11.3.1** Uttlesford District Council has already met its housing needs, and Great Dunmow has already provided a substantial amount of that housing

need with many small developments, and current new large housing development to the West of Great Dunmow on Stortford Road.

This application conflicts with Policy S7 of the Uttlesford District Council Local Plan.

The site is outside the development limits, and Uttlesford District Council should not support indiscriminate development just because there is the space to build.

This site is not appropriate for housing, as the development would have a significantly harmful effect on the rural character and appearance of the surrounding area. Its elevated position amplifies its over-bearing nature. The land is currently classed as 'Green Belt'.

A suitable, safe and appropriate access cannot be achieved. The proposed access is within 50 meters of a current accident black spot, and the traffic from this development would significantly increase the risk of accidents, and congestion at peak traffic periods.

There is a children's nursery adjacent to the proposed access of the site, at peak times, traffic from the site would create significant and unnecessary risk to road users and pedestrians / young children. This would be particularly apparent during the long period of building works.

There are already issues with surface water flooding in the area. An increase in housing with all of the associated surface water / drainage issues will just exacerbate the problem.

A number of properties, mine included will suffer from loss of privacy as back gardens would be directly overlooked.

My property value would drop significantly with the loss of privacy, and with being overlooked.

This development would impact the habitat of wildlife. In particular the area is constantly in use by herds of wild deer.

11.3.2 When the initial 22 dwellings (referred to as 'Phase 1' in the site location plan), were proposed, the application was initially denied. It was only after repeated appeals that it was permitted. How on earth then, can a subsequent application (one that is 50% bigger than the initial Phase 1) be seriously considered as appropriate, at all.

The issue of surface water is particularly worrying. It appears that water will be discharged into the watercourse than runs between the bowling green and Greenacres. I have, myself, witnessed that channel overflowing into St. Edmunds' Lane in the past, and of course the River Chelmer (to which it surely, eventually joins), has flooded repeatedly in

recent years. The development of 22 houses, currently being built, is already discharging water into the watercourse, and so the last thing we need is for more water to be added to it.

The development offers nothing for the people of Great Dunmow. It will simply add to the burden of the local services, in a town in which (even pre-pandemic) the minimum wait time for a Doctor's appointment is/was 3 weeks. The dwellings will be completely beyond the reach of young, local, people to purchase; and as with all the other developments around Dunmow, (Woodland's Park, etc.) will almost certainly be purchased by people moving out of London, where house prices are even more crazy.

On the topic of what the dwellings might offer for local people, I may not have looked closely enough, but I see no reference to any social housing being provided in the development. If this is indeed the case, then why not?

What exactly is meant by 'self-build and custom build dwellings'? From my understanding there is zero self building involved in the current Phase 1, and the only ability to 'customise' these builds is the opportunity for purchasers to specify their own choice of kitchens and bathrooms, during the construction phase. Might it be that there is some mileage in using the term 'Self build and Custom build' in the planning application? My cynical side wonders if this could preclude the need for a quota of social housing. I'm no doubt wrong, but it is a mystery why this term is being used and was used for the 22 dwellings in Phase 1.

11.3.3 The Local Plan and Neighbourhood Plans should not be dismissed. Significant emphasis is placed on the outdated nature of the Local Plan (2005), under which this site was not designated for development. The fact that the site (and a much larger area) has been included within the "Submission of Sites" does not mean that any new Local or Neighbourhood Plan will inevitably include this area in those designated for development.

The adverse effect on the countryside and the setting of Great Dunmow within the surrounding countryside: The Gt Dunmow Neighbourhood Plan may date from 2015, but it refers to the period up to 2032, so it is still valid. The plan states: "The identity and character of Great Dunmow is heavily influenced by its landscape, setting and character, and these aspects are to be retained as a priority. The requirements of a growing population must be met, but the qualities of landscape, setting and character provide an essential and cohesive thread to the nature and identity of the town. This is to be preserved wherever possible." In the Neighbourhood Plan, the site is included in Character Area 4 and is described thus "This area is surrounded by countryside, and contributes to one of the most important landscape edges around Dunmow", and " Key Positive Features: the setting of the Chelmer and the views of the church tower northwards; the distinct rural edge on the east side of St.

Edmund's Lane; the important tree belts east of St. Edmund's Lane and the woodland around Merks Hall; the views out to open country south east over the Chelmer; the open landscape of the Chelmer and the slope rising to Dunmow Park."

The Application site is outside the areas designated for development in the Neighbourhood Plan. Whilst the settlement boundary has been extended from the west to the east side of St Edmunds Lane, development on the east side has been only in land immediately adjacent to that boundary. This application extends the development into open countryside.

The Landscape and Visual Appraisal states that the value of the landscape at the site is only Medium. However, "Medium" is probably as good as it gets in the immediate vicinity of Great Dunmow. This is probably the most attractive area of rising ground on the east side of the town and adjacent to it. The site is crossed by footpaths which are in regular use by families, walkers and dog walkers. Development on this site would involve a significant loss of amenity to the local community.

Traffic hazards and the proximity of the access road to an Accident Black Spot: The Transport Statement states that there were no accidents reported in the vicinity of the site between May 2018 and June 2021. This may be correct, but this must refer only to the short stump of Stane Street leading from Braintree Road alongside the allotments where traffic is very light, and speeds rarely exceed 10MPH. The Statement indicates that in that same period there are only 4 incidents recorded at the nearby junction of Braintree Road and the B1256. This cannot be correct because we have lived opposite this junction since June 2020, including periods of lock-down and reduced traffic, and yet we have witnessed at least 4 incidents where the emergency services have attended. This is an acknowledged accident blackspot, and our concern is that the growth of traffic during construction and after will increase the risk in both the Stane Street stump and the junction with B1256. The Stane Street stump is narrow, normally with parked cars due to the children's nursery and the allotments, and HGVs frequently back up along it to deliver to the businesses next to the nursery.

This is not conducive to construction access or extra domestic access. The entrance road to the site will reduce the length of road available for parking which will inevitably lead to more parking along Braintree Road, adjacent to the junction with B1256, creating additional hazards. There is potential for gridlock in this area at busy periods.

11.4 Comment

11.4.1 The representations above have been addressed by the consultees and taken into consideration in the report below.

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) 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. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

ULP Policy S7 – The Countryside

ULP Policy ENV2 – Development affecting Listed Buildings

ULP Policy ENV3 – Open Space and Trees
ULP Policy ENV5 – Protection of agricultural land
ULP Policy ENV10 – Noise Sensitive Development
ULP Policy ENV13 – Exposure to Poor Air Quality
ULP Policy ENV14 – Contaminated Land
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN6 – Infrastructure provision to Support Development
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy H1 – Housing Development
ULP Policy H10 – Housing Mix

13.3 Great Dunmow Neighbourhood Plan

Policy DS1: TDA: Town development Limits
Policy DS8: Building for Life
Policy DS9: Hedgerows
Policy DS10: Eaves Height
Policy DS11: Rendering, Pargeting and Roofing
Policy LSC1: Landscape, Setting and Character
Policy LSC3: The Chelmer Valley
Policy GA-A: Public Transport
Policy GA3: Public Transport
Position: HEI-A: Infrastructure Delivery
Policy NE4: Screening

13.4 Supplementary Planning Document or Guidance

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

B) Whether means of access would be satisfactory / sustainable transport

C) Heritage Impacts

D) Design, Layout, Scale and Appearance

E) Ecology

F) Landscaping

G) Planning Balance

14.3 A) Principle of development

14.3.1 The National Planning Policy Framework (2021) is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

14.3.2 Paragraph 14 of the National Planning Policy Framework continues by stating:

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

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

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

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

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

14.3.3 In terms of paragraph 14 a) of the National Planning Policy Framework, the Great Dunmow Neighbourhood Plan is more than 2-years old (it was

adopted on the 8th December 2016), and therefore cannot be considered in the context of housing supply provision.

- 14.3.4** Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.52y/hs.
- 14.3.5** It is therefore necessary to establish if the 'tilted balance' is engaged in decision making in this instance, in terms of the contribution this proposed development makes to Land Supply within Uttlesford. Further, the Uttlesford District Councils Housing Officer is supportive of this application as the self-build register shows there is a demand/need for self-build within the Uttlesford District.
- 14.3.6** The principle of custom / self-build housing at this edge of town location lying outside development limits and outside the GDNP Town Development Area has already been established by reason of the granting of outline planning permission on appeal on land to the north-west of this application site, under ref; UTT/14/0472/OP for 22 no. custom / self-build dwellings at St Edmunds Lane, whereupon a DFO application has been subsequently granted pursuant to this approval in principle for the same quantum of dwellings under UTT/17/3623/DFO. A further full application was granted in June 2020; LPA reference UTT/19/1508/FUL.
- 14.3.7** The site is currently in agricultural production and the impacts upon countryside character for the current application need to be assessed in the context of other approved schemes recently, but also in terms of the particular landscape impacts of this proposed development. This assessment will be carried out within Section 5 - Landscaping of this part of the Report.
- 14.3.8** Essex County Council SUDS Team have reviewed the submitted Flood Risk Assessment and find it to be acceptable.
- 14.3.9** In terms of education provision, the proposal will be making contributions towards early years, primary and secondary education in order to mitigate the impacts of this proposed development. In terms of the level of contributions, these have been agreed with the Infrastructure Planning Officer at Essex County Council as Local Education Authority with respect of contributions to Early Years, Primary and Secondary Education.
- 14.3.10** The Infrastructure Planning Officer at Essex County Council has advised the following:

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

Projected costs (based on 32 houses of two-bedrooms or more):

- EY&C: £49,731.84
- Primary: £165,772.80
- Secondary: £152,160.00
- Libraries: £77.80 per unit.

All to be PUBSEC index linked from January 2020 to the date of payment.

14.3.11 As such, the proposal as submitted would comply in principle with the NPPF, ULP Policies S7, H1, GEN3 and GEN6 and GDNP Policies DS1: TDA, GA-A and HEI-A.

14.4 B) Whether means of access would be satisfactory / sustainable transport measures

14.4.1 The proposed development would be served by the creation of a new access into the site from the unclassified Braintree Road. The access arrangement, internal access road and associated footway is to be constructed, prior to commencement of the development, to ensure safe and suitable access to the site is provided.

14.4.2 The Highway's Authority has developed an outline public transport strategy for Great Dunmow, with this being the case they have not recommended that a contribution be made towards the strategy. This strategy intends to enhance local bus services serving Great Dunmow and the surrounding areas.

14.4.3 This local bus strategy is promoted under Position (Statement) GA-A: Public Transport within the Great Dunmow Neighbourhood Plan (GDNP) which states that "*Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow*", whilst Policy: GA3: Public Transport states that "*New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this*".

14.4.4 Essex County Council Highways in their consultation response of 31st March 2022 have requested that a financial contribution of £83,200 (index linked to April 2021) prior to first occupation of the development to be paid to the local planning authority to contribute to a bus strategy for Great Dunmow.

- 14.4.5** This contribution will be used to enhance local bus services serving Great Dunmow and the surrounding areas to provide connections to local amenities and/or key towns in the interests of reducing the need to travel by car and promoting sustainable development and transport.
- 14.4.6** This local bus strategy is promoted under Position (Statement) GA-A: Public Transport within the Great Dunmow Neighbourhood Plan (GDNP) which states that *“Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow”*, whilst Policy: GA3: Public Transport states that *“New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this”*.
- 14.4.7** The agreed commuted sum would form part of a S106 agreement should planning permission be granted for the scheme together with the upgrade of existing bus stops in St Edmunds Lane. In the circumstances, the proposal would comply with ULP Policy GEN1 and GDNP Position (Statement) GA-A: Public Transport and Policy GA3: Public Transport.
- 14.4.8** The applicant within their application has stated that they are agreeable to entering into a unilateral undertaking to make all necessary financial contributions towards infrastructure identified in response to consultation with statutory consultees in order to meet the requirements of Policy GEN6.

14.5 C) Heritage Impacts

- 14.5.1** To the south of the application site lies 2 no. Grade II listed buildings.
- 14.5.2** Ford Farmhouse is an early nineteenth-century former farmhouse with grey gault brick front and red brick sides and rear under a grey slate hipped roof.
- 14.5.3** Ford Farm Barns is an early nineteenth-century range of former farm buildings, in red brick with yellow brick string courses, and grey brick dressings under a tiled roof
- 14.5.4** The application site also lies in a potentially sensitive area of archaeological deposits.
- 14.5.5** In terms of impacts upon the Grade II listed buildings, the Historic Environment Team Place Services Essex County Council commented on the application in October 2021, making the following observations:
- 14.5.6** *“I disagree with the assessment that the development would cause no harm to the setting of Ford Farmhouse and Ford Farm Barns.”*

14.5.7 *“Built development on this field would therefore sever the remaining link between the heritage asset and the agricultural fields which served the farm, causing harm to its significance as a formerly rural farmstead. While the farmhouse and barns are no longer in agricultural use, their setting contributes to understanding them as former farm buildings, so the encroachment of built development would harm this understanding. There are public footpaths across the application site with views towards the farmhouse, so the development would alter the experience of the farmhouse and barns as semi-rural former agricultural buildings.”*

14.5.8 *“The open landscape contributes to the semi-rural character of this area and makes a positive contribution to the setting of the listed buildings as a historic rural farmstead.”*

14.5.9 *“Mitigation has been proposed by keeping the southern part of the field, between Ford Farmhouse and the buildings to the west, as open ground crossed by the access road. While this would reduce the intensity of built form in the immediate setting of the farmhouse, it should be noted that any screening afforded by planting is seasonal and subject to change or removal. The physical presence of the development would have an impact on the listed buildings not just as a cluster of built form infilling the open fields, but also through increased noise, traffic movements and light spill. The urbanising effect of the development would have a negative impact on the semi-rural character of the area noted by the appeal inspector.*

Overall, therefore, my view is that the development would cause less than substantial harm to the setting of Ford Farmhouse and Ford Farm Barns. Because of the historical link between the heritage assets and the land forming the application site, this harm is assessed to be at the mid-point of the scale. Paragraph 202 of the NPPF (2021) should therefore be applied.”

14.5.10 In terms of the “tilted balance”, as set out in A of this Section of the Report, paragraph 202 of the National Planning Policy Framework 2021 (NPPF) advises that:

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

14.5.11 Colleagues at the Place Services Historic Environment Team have advised that the harm to the setting of Ford Farmhouse and Ford Farm Barns would cause less than substantial harm weighted to be at the mid-point of the scale as set out in paragraph 202 of the NPPF (2021). Further, the proposal would contribute to the shortfall of housing land supply within Uttlesford, which currently stands at 3.52 years.

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

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

14.6 D) Design, Layout, Scale and Appearance

14.6.1 The application proposes 32 no. dwellings, including four bungalows, however unlike a conventional detailed application, the finalised layout and scale of the proposed development cannot be considered at this stage.

14.6.2 This is due to the various extension and garage options that are available for the proposed plots.

These will be determined by the purchaser, and like external materials, it is proposed that these be controlled by condition for final details to be agreed prior to the commencement of work on each plot.

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

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

14.6.5 The applicant is proposing a range of different house types for each plot, which are designed as single, two and two and a half storeys in height, in keeping with the scale of existing housing development locally

14.6.6 The scale of the house types and garaging, however, would be fixed by various building parameters from the Design Code. The schedule of accommodation is as follows:

14.6.7

Plot no.	House Type	Bedrooms	Eaves height (m)	Ridge height (m)	Building width (m)	Building depth (m)

Plot 1	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 2	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 3	Detached	3	4.85	8.95	9.5	8.15
Plot 4	Detached	3	4.65	8.2	11.37	10.56
Plot 5	Detached	4	4.38	7.21	11.78	11.7
Plot 6	Detached	3	4.65	8.2	11.37	10.56
Plot 7	Detached	3	5.09	8.58	14.34	9.76
Plot 8	Detached	3	4.85	8.95	9.5	8.15
Plot 9	Detached	3	4.91	9.84	9.5	9.2
Plot 10	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 11	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 12	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 13	Semi Detached	3	4.95	8.87	15.15	6.97
Plot 14	Terraced	2	4.65	8.88	24.98	10.1
Plot 15	Terraced	2	4.65	8.88	24.98	10.1
Plot 16	Terraced	2	4.65	8.88	24.98	10.1
Plot 17	Detached	3	4.87	8.93	8.8	6.89
Plot 18	Detached	3	4.87	8.93	8.8	6.89
Plot 19	Detached	4	5.02	9.19	9.85	12.3
Plot 20	Detached	4	5.02	9.19	9.85	12.3
Plot 21	Detached	3	4.87	8.93	8.8	6.89
Plot 22	Detached	3	4.85	8.95	9.5	8.15
Plot 23	Detached	4	5.02	9.17	9.85	12.3
Plot 24	Detached	4	5.08	7.91	11.38	15.44
Plot 25	Detached	3	5.68	8.7	9.1	12.99
Plot 26	Detached	4	5.08	7.91	11.38	15.44
Plot 27	Detached	3	4.38	7.21	11.78	11.7
Plot 28	Detached	4	5.09	8.58	14.34	9.76
Plot 29	Detached Bungalow	2	2	4.55	10.8	12.85
Plot 30	Detached Bungalow	2	2	4.55	10.8	12.85
Plot 31	Detached Bungalow	2	2	4.55	10.8	10.61
Plot 32	Detached Bungalow	2	2.39	4.71	11.12	6.79

14.6.8 The dwellings would comprise generally a mix of 1, 1½ and 2 storey dwellings across the development. with the two storey dwellings primarily set at the lower part of the site and reducing in size and scale as the land rises.

14.6.9 Each plot has sufficient garden amenity space to serve the maximum size property which could be achieved for that plot given the extension/garage options. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.

14.6.10 Each plot would have sufficient parking provision for the maximum sized property which could be constructed for each plot. The on-plot provision parking provided for several plots within the development would exceed the minimum parking standards for the bedroom specification of dwelling

involved, meaning that sufficient visitor parking would be provided across the development.

- 14.6.11** The road has been set out to have the appearance of a rural lane/ farm track. Referring to the vehicle tracking diagram found within the Transport statement, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.
- 14.6.12** In terms of appearance, the application relates to a custom / self-build housing scheme which by its very nature as emphasised by the applicant in the submitted supporting statement requires a degree of flexibility in design approach. Therefore, the issue of appearance, like layout, scale and landscaping can only be assessed in terms of their broad approach. If these are considered to be acceptable, then the parameters would be agreed subject to a condition requiring the final details in respect of these matters to be submitted for approval prior to works commencing on that plot.
- 14.6.13** However, the proposed properties would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, painted render, flint, timber windows and doors, exposed rafter feet, hand-made clay tiles and natural slate whereby this would provide modern housing in a traditional vernacular that would respect the character and appearance of the local area.
- 14.6.14** The range of materials presented is considered to be acceptable and would be in accordance with ULP Policy GEN2 and GEN8 of the adopted Uttlesford Local Plan 2005, and Policy DS8, DS10, DS11 and DS12 of the Great Dunmow Neighbourhood Plan.

14.7 E) Ecology

- 14.7.1** 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.
- 14.7.2** Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are "*satisfied that there is sufficient ecological information available for determination.*" subject to conditions securing biodiversity mitigation and enhancement measures.
- 14.7.3** Ecology has requested that a Pre-Commencement condition be placed on the application with regard to the submission of A Skylark Mitigation Strategy.

14.7.4 Additional conditions requiring compliance with the Ecological Appraisal Recommendations, the submission of a Biodiversity Enhancement Layout and the submission of a Landscaping and Ecological Management Plan have been sought.

14.7.5 As such, the proposal as submitted would comply in principle with ULP Policy GEN7 and the National Planning Policy Framework (2021).

F) Landscaping

14.8.1 Within the design and Access Statement's landscape strategy plan, the applicant discusses the creation of new habitats and a number of biodiversity enhancements that this proposal will bring to the area.

14.8.2 The proposal intends to create a tree lined access road with wildflower meadow land on both sides. Along the property frontage it is proposed to plant new hedges in order to create a soft semi-rural character, with plots 20–26 benefitting from a central green space that will be planted with native trees, shrubs and grassland. A belt of a native woodland will be provided to the northwest of the site in order to help screen the existing development on St Edmunds Lane as well as providing additional amenity space.

14.8.3 Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

14.8.4 In the interests of the appearance of the site and the surrounding area, a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the commencement of works on site.

14.8.5 The proposal is considered to be appropriate for this edge of settlement site and no objections are therefore raised under ULP Policies GEN2, ENV3 and GDNP Policies DS9 and NE4.

14.9 G) Planning Balance

14.9.1 The planning merits of the submitted proposal are to be considered in the context of the extent of compliance with the development plan. The weight attached to the policies in the development plan taking into account how up to date they are and the NPPF.

14.9.2 It is considered when taking the NPPF as a whole, that the benefits of the proposal, where mitigation has been offered in order to make the development acceptable, are considered to outweigh the harm which would be caused to the character of the rural area, and any less than substantial harm to the significance of the Grade II listed buildings adjacent to the site. The tilted balance in favour of the proposal, including

a presumption in favour of sustainable development, is therefore engaged. This means the proposal is acceptable.

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

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

16.3 The Highways Authority are satisfied that the revised access is acceptable, and they have no objections to the proposal subject to conditions.

16.4 On balance, when the proposal is weighed against the public benefits provided the tilted balance would be engaged, the proposal would

secure optimum use of the land whilst minimising the harm to the adjacent heritage assets.

16.5 The proposed design, layout, scale and housing mix is considered to be appropriate for this edge of settlement site.

16.6 Sufficient ecological information has been supplied with the application for determination and would comply with ULP Policy GEN7.

16.7 The proposed landscaping is considered to be appropriate for this edge of settlement site.

16.8 The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

17. S106 / CONDITIONS

17.1.1 With regard to paragraph 57 of the NPPF, the applicant confirms a willingness to enter into a Section 106 legal agreement to make any financial contributions that adhere to the following criteria:

- i Necessary to make the development acceptable in planning terms.
- ii Directly related to the development.
- iii Fairly and reasonably related in scale and kind to the development.

17.1.2

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

17.2 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 No development shall take place, including any ground works or demolition, until a scheme of hard and soft landscape has been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the appearance of the site and the area in accordance with ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

- 3** Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options and layout within the plot and the materials to be used in the construction for that plot shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.

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

- 4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 and Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and protect the amenities of the neighbouring dwellings, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (2005).

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

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

- 6** 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 in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- If infiltration is to be found unviable then discharge rates should be limited to 4.3l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Note: Failure to provide the above required information before commencement of works may result in a system being installed that is not

sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

REASON: Paragraphs 166 and paragraph 174 of the National Planning Policy Framework (2021) state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

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

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

- 11** Prior to occupation, the dwellings shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.

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

- 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 indicates that the proposed development lies within a sensitive area of heritage assets in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 13** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 14** A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 15** No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

REASON: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 16** The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the

fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 17** 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.

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

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

- 19** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Low Impact EclA (Hybrid Ecology Ltd., December 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 20** A Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss of any Skylark territories. This shall include provision of the evidenced number of Skylark nest plots, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark plots;
- b) detailed methodology for the Skylark plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 21** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Low Impact EclA (Hybrid Ecology Ltd., December 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 the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 22** 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 new tree/hedgerow planting and the existing stream to the west of site.
- 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 the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 23** Prior to occupation of any dwelling, the provision of an access formed at right angles to St Edmunds Lane, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate refuse vehicle, two 2 metre wide footways, pedestrian crossing points, and clear to ground visibility splays with dimensions of 2.4 metres by 29 metres, in both directions, as measured from and along the nearside edge of the carriageway (including any necessary measures to prevent parking in the visibility splay), as shown in principle on DWG no. DR1 REV. D (Titled – Proposed access and visibility). Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 24** Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;

i. Improvements to the passenger transport infrastructure at the eastbound and westbound bus stop located in the vicinity of the site on Braintree Road. The bus stops improvements to include (where appropriate) but not limited to, raised kerbs, flags, shelter, footway and crossing provision, and any other related infrastructure as deemed necessary by the Highway Authority.

ii. Prior to occupation of the development, the provision of a 2-metre footway along the entire site frontage and improvements to the existing footway thereafter to provide maximum achievable width between the west of the site frontage and St Edmunds Lane. For the avoidance of doubt, this shall include full depth reconstruction and surfacing, as required. Details to be agreed by the Local Planning Authority, in

consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interest of highway safety and accessibility. The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation. Reason: In the interests of highway safety and accessibility in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 25** No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority, in consultation with the Highway Authority, has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 26** The width of public footpath no. 23/24 (Great Dunmow) must be provided to a minimum of 2 metres, and any proposed planting and/or boundary features 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 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

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

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

- 28** 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 provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 29** 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.
- vi. A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase and/or temporary closure.
- vii. Comprehensive before and after survey of the highway network from Braintree Road junction to application site, and the PROW network within the application site.

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 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 30** 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 the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 31** 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 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

APPENDIX 1 - ECC HIGHWAYS COMMENTS

The applicant has revised and repositioned the access arrangement and has now satisfactorily addressed the outstanding Highway Authority's concerns. Therefore.

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

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. Prior to occupation of any dwelling, the provision of an access formed at right angles to St Edmunds Lane, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate refuse vehicle, two 2 metre wide footways, pedestrian crossing points, and clear to ground visibility splays with dimensions of 2.4 metres by 29 metres, in both directions, as measured from and along the nearside edge of the carriageway (including any necessary measures to prevent parking in the visibility splay), as shown in principle on DWG no. DR1 REV. D (Titled – Proposed access and visibility). Such vehicular visibility splays shall be retained free of any obstruction at all times. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety.
2. Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;
 - i Improvements to the passenger transport infrastructure at the eastbound and westbound bus stop located in the vicinity of the site on Braintree Road. The bus stops improvements to include (where appropriate) but not limited to, raised kerbs, flags, shelter, footway and crossing provision, and any other related infrastructure as deemed necessary by the Highway Authority.
 - ii Prior to occupation of the development, the provision of a 2-metre footway along the entire site frontage and improvements to the existing footway thereafter to provide maximum achievable width between the west of the

site frontage and St Edmunds Lane. For the avoidance of doubt, this shall include full depth reconstruction and surfacing, as required. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interest of highway safety and accessibility.

The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation. **Reason:** In the interests of highway safety and accessibility.

3. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority, in consultation with the Highway Authority, has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority. **Reason:** To ensure the continued safe passage of pedestrians on the public right of way and accessibility.
4. The width of public footpath no. 23/24 (Great Dunmow) must be provided to a minimum of 2 metres, and any proposed planting and/or boundary features 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.
5. Prior to first occupation of the development, a financial contribution of £83,200 (index linked to April 2021) to be paid to the Highway Authority to contribute to a strategy that will enhance local bus services serving Great Dunmow and the surrounding areas to provide connections to local amenities and/or key towns. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.
7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.
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.
- vi A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase and/or temporary closure.
- vii Comprehensive before and after survey of the highway network from Braintree Road junction to application site, and the PROW network within the application site.

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.

9. 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.
10. 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.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- i It should be noted that the proposed development would not be considered for adoption by the Highway Authority.
- ii Pedestrian connectivity to the site to the rear – UTT/19/1508/FUL (currently subject to appeal) should be considered by the applicant.
- iii All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the

Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

- iv There shall be no discharge of surface water onto the Highway.
- v Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- vi The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vii Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- viii Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- ix The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 23 and 24 (Great Dunmow) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the

aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

APPENDIX 2 - ECC SUSTAINABLE URBAN DRAINAGE SYSTEMS COMMENTS

Thank you for your email received on 03/09/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above-mentioned planning application.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

New information received.

We also have the following advisory comments:

- Investigate the existing water course capacity and also include it in your strategy.
- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment> 2

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development and determining the safety and acceptability of the proposal. Prior to deciding this application, you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk.
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements).
- Safety of the building.
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures).
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.