



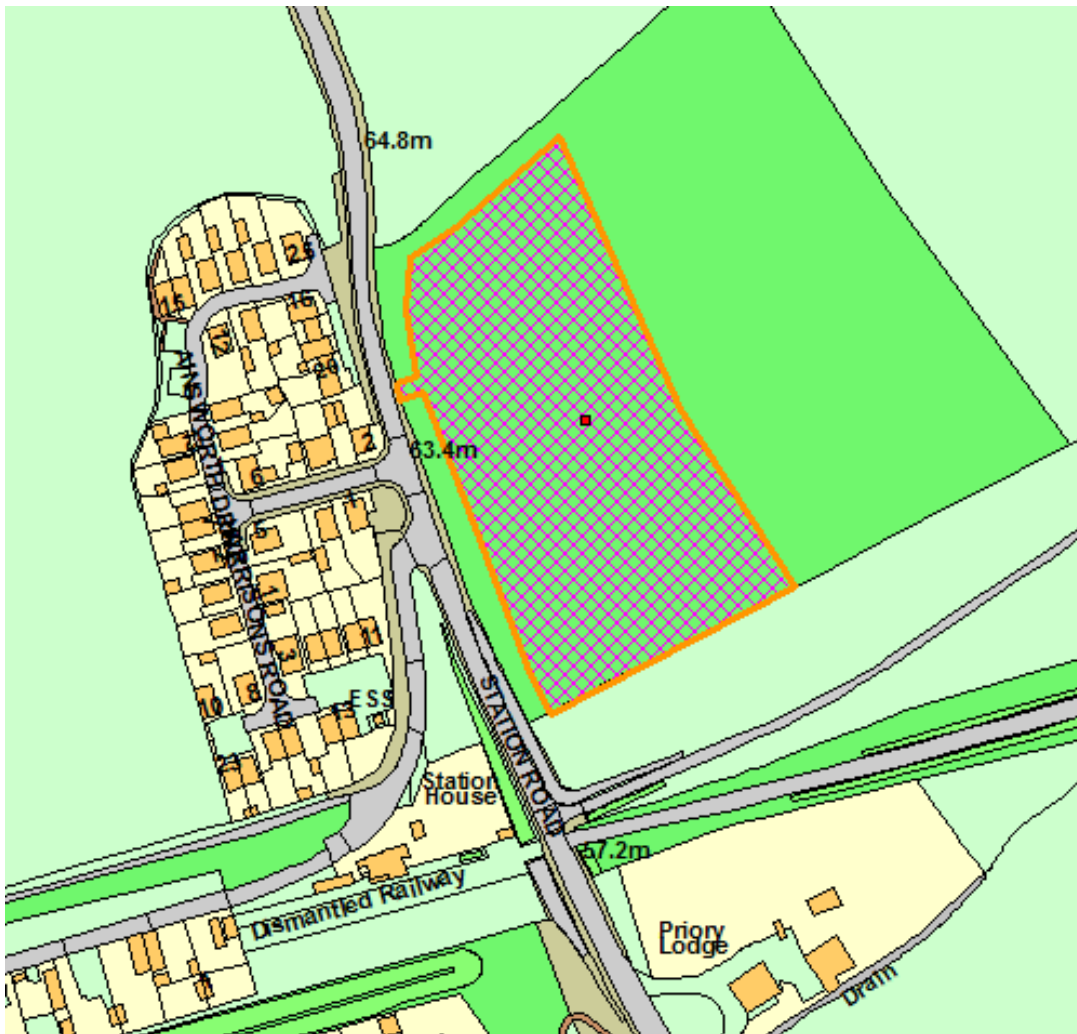
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 13 April 2022

REFERENCE NUMBER: UTT/21/3182/FUL

LOCATION: LAND TO THE EAST OF STATION ROAD,
LITTLE DUNMOW

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: April 2022

PROPOSAL: Proposed erection of 9 no. detached dwellings, provision of new access and associated landscaping and parking.

APPLICANT: Dishley 102 Ltd

AGENT: Alison Young Planning Associates Ltd

EXPIRY DATE: 22nd December 2021

EOT Expiry Date 15th April 2022

CASE OFFICER: Henrietta Ashun

NOTATION: Outside Development Limits

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

1. EXECUTIVE SUMMARY

- 1.1 The proposed development is for the erection of 9 detached houses on a former recreational ground within the Countryside.
- 1.2 Planning permission was previously granted on site for 9 bungalows which was extant at the time of application submission, therefore the principle of residential development on the site has been accepted.
- 1.3 The applicant seeks to provide 1.5 storey houses within a similar arrangement with access via Station Road as previously approved.
- 1.4 It is considered that the benefits compared with the limited harm to the Countryside would not significantly and demonstrably outweigh the benefits of providing good quality much needed housing.

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 application site is an elongated greenfield site measuring approximately 0.98 ha and was formerly used as a recreation ground but is now unused.
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- 3.2 Outline planning permission was granted for its residential redevelopment in March 2019 (ref: UTT/18/1039/OP).
- 3.3 The site lies on the eastern side of Station Road, south of the junction with Bramble Lane.
- 3.4 To the west of the site, directly opposite on Station Road is Cromwell Place/Ainsworth Drive, a Permission Homes residential development.
- 3.5 The Flitch Green is situated outside the site boundary to the south. Further south of the site is Flitch Green residential development via Baynard Avenue.
- 3.6 The property is outside development limits within the Countryside.

4. **PROPOSAL**

- 4.1 Full planning permission is sought for the 9 no. detached dwellings, provision of new access and associated landscaping and parking.
- 4.2 This revised application follows a previously approved extant permission on the site under application reference UTT/18/1039/OP, which was granted permission in 2019 following an appeal, reference APP/C1570/W/18/3214763.
- 4.3 The units comprise 4-5 bedroom 1.5- storey houses with integral or detached garages.
- 4.4 Vehicle access will be provided by via Station Road. 3-4 parking spaces are provided per property.

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**

Reference	Proposal	Decision
UTT/18/1039/OP APP/C1570/W/18/3214763	Outline application with all matters reserved except access for the erection of 9 no. bungalows	Appeal allowed 15 May 2019
UTT/21/2589/DFO.	Details following outline approval UTT/18/1039/OP for the erection of 9 no. 1.5 storey chalet-style bungalows - details of layout, appearance and landscaping and scale.	Withdrawn

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 A reserved matters application to the approved outline was submitted application reference UTT/21/2589/DFO. However, given that outline planning consent was granted for bungalows and the proposals involved the erection of 1.5 storey houses, it was not considered appropriate, and the applicant was advised to submit a full planning application. As such the current application was duly submitted.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.2 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 conditions.

8.2 Sports England

8.2.1 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application. General guidance and advice can however be found on our website

8.3 Local Flood Authority

8.3.1 Having reviewed the Flood Risk Assessment which accompanied the planning application, and the additional documents sent on the 7 January 2022, we do not object to the granting of planning permission subject to conditions.

9. LITTLE DUNMOW PARISH COUNCIL COMMENTS

9.1 Object to the proposals on the following grounds:

- Site access on blind bend of busy road
 - Highway safety
 - Traffic survey out of date
 - Lack of infrastructure
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- Local drainage system floods at the bottom of the hill
- Stebbing Brook floods
- Local schools at capacity
- Out of keeping

10. CONSULTEE RESPONSES

10.2 UDC Environmental Health

10.2.1 No objections raised. Conditions recommended in relation to contamination and electrical charging points.

10.3 Place Services (Ecology)

10.3.1 No objection subject to securing biodiversity mitigation and enhancement measures

We support the proposed reasonable biodiversity enhancements including the installation of bat boxes and a Hedgehog nesting box as well as the enhancement of the adjacent woodland and retained hedgerows, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.

10.4 Place Services (Archaeology)

10.4.1 The archaeological fieldwork on this site has now been completed and we have monitored the work. The condition covers all of the archaeological work unlike our present conditions which are phased and can have separate elements released once complete. This office is satisfied that the fieldwork has been satisfactorily completed and we would not object to the construction work commencing, however, we would prefer if the condition was not released until we had received the archaeological report on the excavations. I can confirm therefore that we would recommend a partial release of the archaeological condition attached to UTT/21/3182/FUL.

10.5 MAG - London Stansted Airport

10.5.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to the following conditions:

- 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.

- 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 STN.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 64 notifications letters were sent to nearby properties. A press notice was printed on the 01.11.21.

11.2 Objections

11.2.1 Highway Safety

11.2.2 Dated traffic information used

11.2.3 School bus route

11.2.4 Blind bend

11.2.5 Flooding

11.2.6 Sewage

11.2.7 inadequate sewerage system ANGLIAN WATER

11.2.8 Loss of trees

11.2.9 Landscaping

11.2.10 Loss of privacy

11.2.11 Traffic

11.2.12 Noise and pollution

11.2.13 No infrastructure support

11.2.14 Lack of services to support

11.2.15 Pressure on schools

11.3 Comment

11.3.1 Matters raised will be addressed within the body of the report.

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,;

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

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

(c) any other material considerations.

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 or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

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

Policy S7 – The countryside Policy

GEN1- Access Policy

GEN2 – Design Policy

GEN3 -Flood Protection Policy

GEN4 - Good Neighbourliness Policy

GEN5 –Light Pollution Policy

GEN6 - Infrastructure Provision Policy

GEN7 - Nature Conservation Policy

GEN8 - Vehicle Parking Standards Policy

H9 - Affordable Housing Policy

H10 - Housing Mix Policy

ENV3 - Open Space and Trees, Policy

ENV4 - Ancient monuments and Sites of Archaeological Importance

ENV5 - Protection of Agricultural Land Policy
ENV14 - Contaminated Land
LC1 –Loss of Sports Fields and Recreational Facilities

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

B) Housing Land Supply

C) Loss of recreation ground

D) Design & Amenity

E) Highways

F) Ecology and Trees

G) Flooding

H) Other Material Considerations

14.3 A) Principle of development

14.3.1 The development of the site needs to be considered and assessed against the current Local Plan and the NPPF. The application site comprises 0.98 hectares of land and is located within the open countryside. The site is outside the development limits as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies.

14.3.2 Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. Policy S7 was subject to a Framework Compatibility Assessment (July 2012), concluding that it was consistent with the NPPF.

14.3.3 The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.4 As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

14.3.5 Social:

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. The site is within reasonable distance of amenities and services. Fritch Green and is a sustainable satellite settlement to Felsted. It contains a village supermarket, employment uses, a community centre and a primary school. Dunmow is approximately 0.5km to the west of the site and contain a wide range of amenities and facilities including a gym, public houses, schools, doctors and churches. Amenities and services are also located at Felsted, less than a mile away from the site.

14.3.6 Economic:

The Inspector noted "*the proposed development would provide a modest contribution of 9 dwellings to the shortfall. There would be temporary economic benefits during the construction phase and new occupiers are likely to provide modest contribution to local services and community as well as to nearby villages*".

14.3.7 Environmental:

The site is outside of the development limits and the Inspector previously noted that "*I have concluded that the proposed development would harm the character and appearance of the area. This harm, however, is limited as it is localised and self-contained*".

14.3.8 Notwithstanding the above, the principle of such a scheme on the site has been established through the approved scheme and considered by the Inspector to be appropriate.

Sustainable Development

14.3.9 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered) permission should be granted 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 7 ; 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*".

14.3.10 Therefore, a balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole. The scheme does provide for 9 residential houses which would provide a modest level of economic benefit.

This weighs in favour of the development. The location of the site is in relative proximity to amenities and services; nevertheless, it is outside of the development boundary, and some distance away from the nearest Town Centre, and thus having a neutral benefit/impact. The scale and massing of the property, substantial landscape buffer and detailing would limit any potential harm on the open character of the countryside. Therefore, any harm caused on the open character and appearance of the countryside would be limited and can be mitigated against.

14.3.11 In conclusion, the limited potential harm would be outweighed by the positive outcomes of the development as demonstrated above.

Planning history

14.3.12 Planning permission was previously granted on the site, following an appeal which was allowed.

14.3.13 This consent was extant at the time the application was submitted and is a material consideration in the assessment of this scheme. The scheme was allowed at appeal following the submission of an appeal for non-determination) in March 2019, appeal reference APP/C1570/W/18/3214763. This scheme will be referred to within this report as the 'approved scheme' and the Planning Inspectors comments within the appeal decision will also be referenced accordingly.

14.3.14 Below are key headlines in relation to the 2019 approved scheme:

- 9 residential bungalows
- Access provided via Station Road

14.3.15 Main changes to the newly proposed scheme from the approved scheme are as follows:

- 1.5 storey residential properties
- Reorientation of some plots
- Siting of garages
- Increased spacing between properties

14.3.16 Effectively the principle of housing development on this site has been established, subject to detailed consideration of the potential development impacts.

14.4 B) Housing Land Supply

14.4.1 The NPPF describes the importance of maintaining a 5yhls of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52yhls (5yhls update April 2021).

14.4.2 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the 5yhls cannot be delivered. As the council is currently unable to demonstrate a 5yhls,

increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 14.4.3** The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing.

14.5 C) Loss of recreational ground

- 14.5.1** The application site comprises land that forms part of unused recreational grounds. Policy LC1 of the Local Plan states “*development will not be permitted if it would involve the loss of sports fields or other open space for recreation, including allotments*”. Exceptions to this would be if a) Replacement facilities are provided that better meet local recreational needs; or b) The need for the facility no longer exists.

- 14.5.2** Sports England have not formally commented or objected to the scheme on the basis that the scheme falls outside of their remit. However, their standing advice states that if the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets the provisions for the National Planning Policy Framework (NPPF).

- 14.5.3** Paragraph 99 of the NPPF states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.

- 14.5.4** It should be observed that the inspector within the approved scheme made the following comments in relation to the loss of the recreational ground “*I note the history of the site including its former use as a recreation ground...The recreational use ceased many years ago and from the evidence before me and my observations during the site visit, any remains of permanent structure or fixed surface structure have blended into the landscape*”.

- 14.5.5** The inspector accepted in March 2019 that the recreational ground had not been used for many years and was redundant. No objection has been raised by Sports England and the principle of the development on the site has been accepted. As such it is considered that the loss of unused recreational land is acceptable in this particular instance.

14.6 D) Design and Amenity

- 14.6.1** National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 14.6.2** Paragraph 126 of the NPPF states that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. As such, the design quality of the proposal should be duly considered in the overall planning balance
- 14.6.3** The development comprises 9 residential dwellings within an elongated parcel of land set within extensive grounds. The dwellings are arranged around a central shared access road leading from the north to the south of the side.
- 14.6.4** The buildings would be set back from the highway and accessed via a footpath and driveway. The dwellings have either detached or attached garages.
- 14.6.5** The dwellings vary in terms of their front and rear protections, roof profiles footprint and detailing, which provide articulation and interest within the streetscene. The proposal will follow the general approved indicative layout.
- 14.6.6** The buildings would be set back substantially from the Station Road frontage and screened by substantial landscaping comprising mature hedging and trees.
- 14.6.7** The height of the buildings at 1.5 storeys high would respect those existing within the locality and those recently approved.
- 14.6.8** The roof profiles would comprise low eaves, differing roof heights and traditional dormer windows.
- 14.6.9** Materials include brick detailing, flint detailing and plain tiles or slate roofs are proposed which would be in keeping with the local vernacular.
- 14.6.10** The proposed dwellings are self-contained and exceed the Nationally Described Space Standards (NDSS). The garden area(s) also comply with minimum requirements of Essex Design for 3 bedroom plus homes
- 14.6.11** The proposed units are dual aspect. All habitable rooms will have access to a window and natural ventilation. It is considered that the proposed development would provide a high standard of accommodation for future occupiers.
- 14.6.12** The applicant has proposed the following sustainability measures:
sustainable construction techniques
- air source heat pumps
 - rainwater harvesting;
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- use of low energy lighting and appliances
- provision of electric vehicle charging points

This would be in line with the Interim Climate Change Policy (2021) and have been duly conditioned.

- 14.6.13** Overall, it is considered that the proposed design of scheme meets the criteria for Policy GEN2.
- 14.6.14** Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 14.6.15** The nearest residential properties are a considerable distance away from the proposed development. It is considered that the use of the site for residential purposes would be in keeping with the character of the area, and no undue noise or disturbance would likely be generated.
- 14.6.16** The proposed properties are well spaced apart and sufficient separation distances have been provided. Habitable rooms to the rear face onto garden areas and landscaping.
- 14.6.17** Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policy GEN2.

14.7 E) Highways

- 14.7.1** Access is provided to the site via Station Road to the west and a shared surface access road would be provided within the centre of the site servicing each individual property.
- 14.7.2** Shared surfacing is proposed to prioritise pedestrians and cyclists and a pedestrian footpath and crossing will connect the existing footpath to create a link to the village amenities and school.
- 14.7.3** Each property would have a double garage within their curtilage and a substantial driveway would also be provided. At least 3 spaces would be provided on site for each property. The adopted Council parking standards recommend for at least three spaces for a four or more-bedroom dwelling house. Parking provision is made in accordance with the Councils adopted standards.
- 14.7.4** A number of objections have been raised in relation to the suitability of the access. It should be noted that the access was approved as part of the approved scheme. At the time the Inspector stated *“I note concerns regarding highways safety. However, the Highways Authority did not object to the proposal subject to conditions and from the evidence before me I see no reason to disagree”*.
- 14.7.5** Again, in consideration of the current scheme, the Highway Authority raise no objections on the basis that conditions are imposed in relation to the
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specification of the access, pedestrian footways within the site and dropped kerb crossing posits, a construction management plan and the provision of a residential travel plan information pack per dwelling (to include six one day travel vouchers).

- 14.7.6** The proposal therefore accords with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2021, the Essex Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013).

14.8 F) Ecology and Trees

- 14.8.1** Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.

- 14.8.2** The applicant proposes to remove the trees and hedging to facilitate the development and access; and retain mature hedging and tree planting around the periphery.

- 14.8.3** It is considered that the landscaping proposals would contribute to the high-quality design.

- 14.8.4** The NPPF no longer has a presumption in favour of sustainable development where ecology will be unduly harmed. Paragraph 175 (a) states *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*

- 14.8.5** The applicant proposed the following biodiversity measures:

- installation of bat boxes
- a Hedgehog nesting box as well as the
- enhancement of the adjacent woodland
- retained hedgerows

- 14.8.6** The application was supported by an ecological report. Place Services Ecology Officer raises no objections subject to conditions mitigating and securing biodiversity enhancement measures.

- 14.8.7** Subject to the referenced conditions in Place Services consultation response, the proposal accords with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2021.

14.9 G) Flooding

- 14.9.1** Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG.

- 14.9.2** A number of representations have been submitted in relation to flooding within the surrounding area. The site lies within Flood Zone 1 for which residential development is deemed appropriate for Flood Zone 1 as stated
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within the NPPF. The closest watercourse to the site is the Stebbing Brook which is located approximately 450m to the South-East.

- 14.9.3** The site measures 0.9ha therefore a site-specific flood risk assessment is not required given that the area is not at risk of flooding nor identified as having any critical drainage problems. However, the applicant has submitted a Floodrisk and Drainage Report to accompany the application. The report identifies that the risk of flooding from all sources (coaster pluvial (surface water), groundwater is low.
- 14.9.4** Policy ENV12 (Surface water flooding) seeks to ensure all development will incorporate Sustainable Urban Drainage Systems (SUDs).
- 14.10.5** The proposed Sustainable Urban Drainage Strategy (SUDs) will comprise:
- Permeable pavement
 - Cellular Storage
- 14.9.6** The Local Lead Flood Authority who are responsible to provide advice on SUDS on major developments have reviewed the submitted report and do not object to the scheme on the basis that conditions are imposed in relation to a detailed surface water drainable scheme is provided; a scheme to minimise the risk of offsite flooding is provided; and a maintenance plan is provided.
- 14.9.7** Overall, it is considered that the proposals comply with GEN3 and ENV12 of the Local Plan.

14.10 H) Other matters

Archaeology

- 14.10.1** Policy ENV4 seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. ECC Archaeology have reviewed the application and consider that the conditions imposed on the outline consent have been partially satisfied. As such it will be necessary to part impose the relevant condition.

14.10.2 Infrastructure

Policy GEN6 seeks Infrastructure provision to support development which is towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development.

- 14.10.3** It has been observed that objections have been made in relation to the need for infrastructure to support the proposed development. The Inspector noted in consideration of the approved scheme *“I acknowledge local concerns including the capacity of local schools and doctors’ surgeries, view from existing houses, local parking provision, access to services and facilities, local internet and telecommunications signals. However, given the evidence before me, these and all other matters raised do not outweigh the above findings and have not altered my overall decision”*. The Inspector also stated *“While I acknowledge that there is no affordable housing or additional funding proposed, given these benefits compared with the limited harm and*
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weight attributed to the conflict with LP Policy S7, the adverse impacts would not significantly and demonstrably outweigh the benefits”.

14.10.4 On the basis that the proposed development would not yield more residential units, it is considered that it would be unreasonable to seek contributions.

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 presumption in favour of sustainable development applies under paragraph 11(d) of the NPPF as material policies of the development plan are out of date and the tilted balance would be triggered.

16.3 The proposed development would contribute to housing supply in the district which would weigh in favour of the development.

16.4 The loss of the recreational ground would be acceptable.

16.5 The proposal would provide a high standard of design and layout subject to conditions and is not considered to unduly detract from the amenities of the adjoining occupiers (GEN2, GEN4, NPPF).

16.6 The development would be acceptable in terms of highway safety and against adopted UDC parking standards subject to highway conditions (ULP Policies GEN1 and GEN8).

16.7 The development would be acceptable in terms of ecological impacts on protected and priority species subject to appropriate mitigation and biodiversity enhancement measures conditions. (ULP Policy GEN7, ENV3, NPPF).

16.8 The development would be acceptable in terms of flooding and would be subject to appropriate planning conditions

16.9 The development would be acceptable in terms of the impact on archaeology and no infrastructure provision would be required to support the development

16.10 Overall, given the benefits compared with the limited harm and weight attributed to the conflict with Policy S7, the adverse impacts would not significantly and demonstrably outweigh the benefits.

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** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 3** Prior to the commencement of development, samples of the colours and details of the materials to be used for the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 4** Prior to commencement of the development hereby approved, additional drawings that show details of the approved new windows, doors, eaves, verges and cills to be used by section and elevation between 1:20 and 1:1 (as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 5** Prior to commencement of the development hereby approved, details of the following hard and soft landscaping works and boundary treatments shall be submitted to and approved in writing by the local planning authority and must be maintained as such in perpetuity. Thereafter, any potential changes shall be submitted to and approved in writing by the local planning authority.

- Existing and retained features
 - New and existing planting and trees
-

- Hard surfaces
- Boundary treatments (all boundaries of the site)

Thereafter, all hard and soft landscape works must be carried out strictly in accordance with the approved details.

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

REASON: To safeguard privacy (amenity) and to preserve the countryside character of the area, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, and the National Planning Policy Framework (2021).

6 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:

- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and drainage plan 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 in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

7 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: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

- 9** 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 Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 10** Before development commences details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted for the written approval of the local planning authority. Thereafter the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained in perpetuity.

REASON: To protect the surrounding countryside and prevent pollution of the water environment, in accordance with ENV12 of the Uttlesford Local Plan (adopted 2005).

- 11** No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011. Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority. Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of
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the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To safeguard the amenities of the future occupiers, surrounding neighbours and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 12** Prior to occupation of any dwelling, the provision an access, formed at right angles to Station Road to include but not limited to, a minimum 5.5 metre carriageway width, minimum 6 metres radii, a 2 metre wide footway around the southern radii, and clear to ground visibility splays of 2.4m x 61m to the north-west and 2.4m x 109m to the south-east with a 1 metre off-set (as demonstrated on DWG no. F17176/02 (dated 13/12/2021)). The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to ensure that vehicles can enter and leave the highway in controlled manner, in the interest of highway safety in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 13** Prior to occupation of any of the proposed dwellings, the provision of a 2 metre footway and two pedestrian dropped kerb crossing points across Station Road (with appropriate tactile paving if necessary) shall be provided, as indicated on DWG no. PA-SR-138 REV. A (dated 03/01/22).

REASON: In the interest of highway safety and accessibility in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 14** 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. The plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. 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 policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 15** 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 GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16** 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 turning is provided in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17** 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 policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 18** Prior to occupation each dwelling 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 the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 19** The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of 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: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 20** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology Ltd., October 2021), Biodiversity Enhancement Strategy (ACJ Ecology Ltd., July 2021) and Method Statement (ACJ Ecology Ltd., July 2021) as already submitted with the
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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) as updated by the Environment Act 2021 and in accordance with policy ENV7 of the Uttlesford Local Plan (adopted 2005).

- 21** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Biodiversity Enhancement Strategy (ACJ Ecology Ltd., July 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) as updated by the Environment Act 2021 and in accordance with policy ENV7 of the Uttlesford Local Plan (adopted 2005).

- 22** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with policy ENV7 of the Uttlesford Local Plan (adopted 2005).

- 23** The dwelling 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.
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REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the LPA adopted SPD "Accessible Homes and Playspace.

- 24** Prior to first occupation details of the energy efficiency, water reduction and waste reduction measures referred to in the Design and Access Statement shall be submitted to and approved in writing by the Local Planning Authority. The energy efficiency and water reduction measures shall then be installed in accordance with the approved details and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with the UDC Policy GEN2 and UDC Interim Climate Change Policy document 2021.

- 25** 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 Stansted Airport.

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

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

Appendix 1 - Appeal Decision - UTT/18/1039/OP



Appeal Decision

Site visit made on 27 March 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 15 May 2019

Appeal Ref: APP/C1570/W/18/3214763

Former Recreational Ground, Station Road, Littke Dunmow CM6 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs Johnson against Uttlesford District Council.
 - The application Ref: UTT/18/1039/OP, is dated 13 April 2018.
 - The development proposed is erection of 9 bungalows.
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1 Decision

1. The appeal is allowed subject to the attached Schedule of Conditions.

2 Preliminary Matter

2. The application was submitted in outline. Approval was sought only for access with all other matters reserved. I have assessed the appeal on this basis.
3. I note the Draft Uttlesford Local Plan has been submitted for examination. However, since there is no certainty that the policies within it will be adopted, I give this limited weight.

3 Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

4 Reasons

5. The site lies outside settlement development boundaries and falls within Countryside in the terms of Uttlesford Local Plan Adopted 20 January 2005 (LP). It is therefore assessed against LP Policy S7 which relates to development in the Countryside. Although the site is not subject to any local or national designations, given its undeveloped nature the appeal site reads as part of the wider pleasant countryside.
6. I note recent nearby developments and planning consent for development to the

south of the appeal site. However, while the proposal would have a relationship with the development on the opposite side of Station Road, since the appeal site is undeveloped and borders the open countryside on 2 sides, it has a close relationship to the countryside.

7. The proposal would introduce built form on undeveloped land and would therefore alter the intrinsic character of the site. While the appellant has indicated that the development would consist of bungalows, and would have lower density than the nearby developments, it would nevertheless constitute built development on undeveloped land. Although the site is largely screened from public views, the proposed development would include new built development, significant areas of hardstanding and domestic gardens that would substantially alter the landscape character of the site.
8. I note the history of the site including its former use as a recreation ground. The National Planning Policy Framework (Framework) defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It provides exceptions to this including land in built-up areas such as residential gardens, parks, recreation grounds and allotments. The recreational use ceased many years ago and from the evidence before me and my observations during the site visit, any remains of permanent structure or fixed surface structure have blended into the landscape. Consequently, the appeal site does not constitute previously developed land in the terms of the Framework.
9. Overall, the proposed development would harm the character and appearance of the area and would conflict with LP Policy S7 which states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. This harm, however, is limited given that the site is relatively self-contained, being largely screened from wider views and the relationship with the new development opposite Station Road as well as other built form nearby. The identified harm weighs against the proposal in the planning balance.

5 Other Matters

10. I note concerns regarding highways safety. However, the Highways Authority did not object to the proposal subject to conditions and from the evidence before me I see no reason to disagree.
11. I acknowledge local concerns including the capacity of local schools and doctors' surgeries, view from existing houses, local parking provision, access to services and facilities, local internet and telecommunications signals. However, given the evidence before me, these and all other matters raised do not outweigh the above findings and have not altered my overall decision.

6 Planning Balance

12. The main parties acknowledge that LP Policy S7 is partially compatible with the Framework since it has a more protective rather than positive approach towards development in rural areas, and therefore carries limited weight. I note the comments of the Inspectors for the cases at Saffron Walden and Newport in relation to the consistency of LP Policy S7 with the Framework. From the evidence before me I have no reason to disagree and take a similar approach to the Inspectors of these cases and attribute limited weight to the conflict with this policy. Furthermore, the main parties acknowledge that the Council cannot

demonstrate a 5-year housing land supply, consequently the provisions of paragraph 11(d) of the Framework are triggered.

13. In terms of the main issue, I have concluded that the proposed development would harm the character and appearance of the area. This harm, however, is limited as it is localised and self-contained, and would result in conflict with LP Policy S7.
14. The proposed development would provide a modest contribution of 9 dwellings to the shortfall. There would be temporary economic benefits during the construction phase and new occupiers are likely to provide modest contribution to local services and community as well as to nearby villages. While I acknowledge that there is no affordable housing or additional funding proposed, given these benefits compared with the limited harm and weight attributed to the conflict with LP Policy S7, the adverse impacts would not significantly and demonstrably outweigh the benefits.

Conditions

15. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in paragraph 56 of the National Planning Policy Framework and the guidance contained in the Planning Practice Guidance.
16. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
17. Since the site lies immediately adjacent to a highly sensitive area of heritage assets, a condition relating to archaeology is necessary. This needs to be pre-commencement as it would affect works to be carried out early in the construction phase. I have attached a condition which combines the requirements of the conditions requested by the Council.
18. Since evidence of protected species were found near to the site, conditions relating to a Reptile Mitigation Strategy and biodiversity are necessary and need to be pre-commencement as they would affect works to be carried out early in the construction phase. Furthermore, LP Policy GEN7 states that the enhancement of biodiversity through the creation of appropriate new habitats will be sought. Consequently, the condition relating to a Biodiversity Enhancement Strategy is necessary. The suggested condition relating to a Biodiversity Management Plan is not necessary since the other conditions relating to biodiversity adequately address this matter. The suggested condition would also not be related in scale and kind to the development and the requirement to include legal and funding mechanisms would be out of scope for the condition.
19. The conditions relating to the access, pedestrian crossing points and unbound surface materials are necessary in the interests of highways safety. The condition relating to accessible and adaptable dwellings would be necessary to comply with the development plan.

7 Conclusion

20. For the reasons given above, the appeal should be allowed subject to conditions.

R Sabu

INSPECTOR

8 Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the first residential occupation of any dwelling hereby permitted, an access, formed at right angles to Station Road to include but not limited to, a minimum 5.5 metre carriageway width, minimum 6 metres radii, a 2 metre wide footway around the southern radii, and clear to ground visibility splays of 2.4m x 54m to the north-west and 2.4m x 92m to the south-east with a 1 metre offset (as demonstrated on DWG no. F17176/01 Rev B (dated 16/01/18)) shall be provided. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.
- 5) Prior to the first residential occupation of any dwelling hereby permitted, two pedestrian dropped kerb crossing points across Station Road (with appropriate tactile paving if necessary) shall be provided, as indicated on DWG no. F17176/01 Rev B (dated 16/01/18).
- 6) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - the programme and methodology of site investigation and recording;
 - the programme for post investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation;

- the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 7) 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.
- 8) Prior to the commencement of the development hereby permitted a Reptile Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. This will determine what option of mitigation will be undertaken, as proposed within Bat and Reptile Report (Applied Ecology, July 2018). The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 9) Prior to the commencement of the development hereby permitted a Biodiversity Enhancement Strategy, containing the details and locations of the proposed reasonable enhancement measures, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 10) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.

Appendix 2 - Highways Comments

Recommendation

Application No.	UTT/21/3182/FUL
Applicant	Dishley 102 Ltd
Site Location	Land To The East Of Station Road Little Dunmow
Proposal	Proposed erection of 9 no. detached dwellings, provision of new access and associated landscaping and parking

SUPERSEDES PREVIOUS RECOMMENDATION DATED 7TH DECEMBER 2021

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 an access, formed at right angles to Station Road to include but not limited to, a minimum 5.5 metre carriageway width, minimum 6 metres radii, a 2 metre wide footway around the southern radii, and clear to ground visibility splays of 2.4m x 61m to the north-west and 2.4m x 109m to the south-east with a 1 metre off-set (as demonstrated on DWG no. F17176/02 (dated 13/12/2021)). The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to ensure that vehicles can enter and leave the highway in controlled manner, in the interest of highway safety.
2. Prior to occupation of any of the proposed dwellings, the provision of a 2 metre footway and two pedestrian dropped kerb crossing points across Station Road (with appropriate tactile paving if necessary) shall be provided, as indicated on DWG no.

PA-SR-138 REV. A (dated 03/01/22). **Reason:** In the interest of highway safety and accessibility.

3. 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. The plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. 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.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
5. 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 turning is provided.
6. 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

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. The proposed development is not considered suitable for adoption by the Highway Authority. It is noted that there are changes in levels within the site, and the junction gradient shall comply with the guidance within Design Manual for Roads and Bridges.
- ii. 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.

- iii. There shall be no discharge of surface water onto the Highway.
- iv. 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.
- v. 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.
- vi. 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 for a period of 15 years following construction.

Appendix 3 - Sport England Comments

Subject: [External] UTT/21/3182/FUL - Land To The East Of, Station Road, CM6 3HF

Date: 09 November 2021 08:20:17

Thank you for consulting Sport England on the above application. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional **housing** (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

Appendix 4 - Sustainable Urban Drainage Systems Comments

Consultation Response – UTT/21/3182/FUL-Land to The East Of Station Road Little Dunmow Essex

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 which accompanied the planning application, and the additional documents sent on the 7 January 2022, we **do not object** to the granting of planning permission based on the following conditions:

Condition 1

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:

- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and drainage plan and highlighting any minor changes to the approved strategy.

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment

- 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.

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

Condition 4

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.

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.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and

emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.