



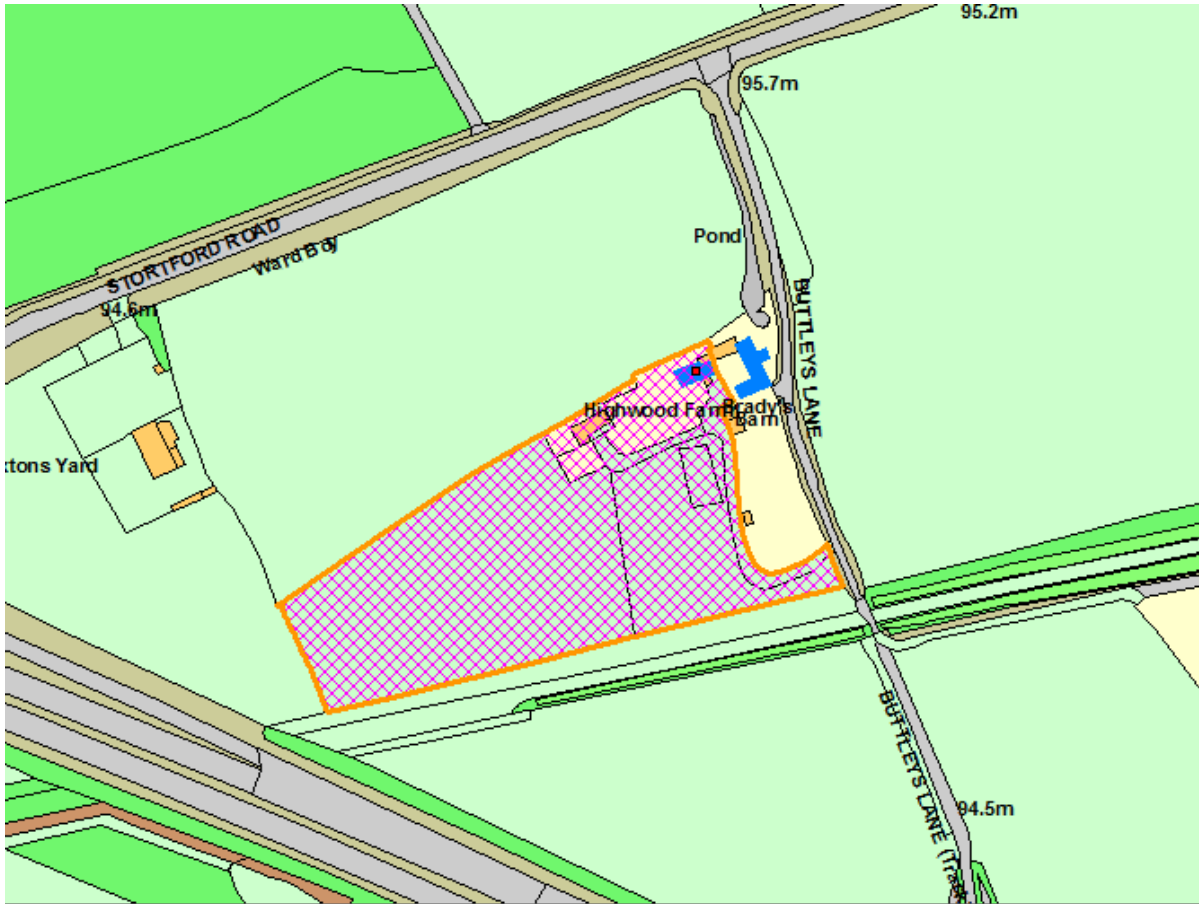
ITEM NUMBER: 9

PLANNING COMMITTEE 25 May 2022
DATE:

REFERENCE NUMBER: UTT/22/0391/OP

LOCATION: HIGHWOOD FARM, STORTFORD ROAD,
DUNMOW

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 10th May 2022

PROPOSAL: Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane

APPLICANT: Mr G Duncan

AGENT: Mr G Duncan

EXPIRY DATE: 27 May 2022

EOT Expiry Date

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits. Grade II Listed property (Highwood Farm). Within 500m of SSSI. Within 6km Stansted Airport. 500m Oil Pipeline consultation area. Within 20m of Local Wildlife Site (Flitch Way.) Within 250m of ancient Woodland (High Wood)

REASON THIS APPLICATION IS ON THE AGENDA: MAJOR application.

1. EXECUTIVE SUMMARY

1.1 The proposal is Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane

1.2 The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety and therefore fails to comply with the requirements of policy GEN1

1.3 The proposals do not comply with the requirements of Policies S7 and ENV2 which seek, to protect the character of the area and the setting of listed buildings. The proposals also fail to comply with GDNP Policy DS1 which seeks, to protect the rural setting of Great Dunmow. However, the

NPPF requires planning applications for sustainable development to be favourably considered and the benefits of the proposals need to be weighed against the harm identified. When taking the Framework as a whole, the benefits of the proposal are not considered to outweigh the harm to the character and the setting of the heritage assets and impact on highway safety..

2. RECOMMENDATION

That the Interim Director of Planning and Building Control be authorised to **REFUSE** permission for the development for the reasons set out in section 17

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The applications it 1.3 hectares (approximately) is located to the west of Buttley's Lane and to the south of Stortford Road (B1256) to the west of Great Dunmow.
- 3.2** Access is from Buttley's Lane, a single lane track.
- 3.3** The Flitch Way, a Local Wildlife Site, runs along the south of the site.
- 3.4** To the west of the site is a fencing business. The western boundary has post and rail fencing with trees beyond. The northern boundary has a mix of hedgerows and sporadic trees.
- 3.5** Planning has been approved for a school to the east of the site, on the opposite side of Buttley's Lane and 332 residential dwellings and a health centre beyond that (further to the east)
- 3.6** 60 dwellings have been approved to the site to the north under UTT/19/2354/OP
- 3.7** There are two Grade II listed buildings to the northeast corner of the site, a farmhouse and a converted barn.

4. PROPOSAL

- 4.1** Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane
- 4.2** The application is supported by the following documents:
 - Design and Access Statement
 - Heritage Statement
 - Planning Statement
 - Preliminary Ecological Appraisal
 - Self-Build Planning Passport
 - Flood Risk Assessment

Transport Statement
 Tree Survey
 Suds Checklist

4.3 The application is supported with an indicative master plan and a set of guiding design principles and a plot passport.

4.4 Each plot has a defined area within which the dwelling may be constructed. The individual plots vary in shape and orientation and each plot has its own 'Plot Passport' which regulates the build footprint. Each plot is dimensioned, and the build zone is determined according to the specific configuration of the plot.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
DUN/0264/68	Site for petrol filling station	Refused
DUN/0340/70	Site for wildlife preservation area	Refused
DUN/0380/70	Use of land as a naturist club	Refused
DUN/0462/71	Site for dwelling.	Refused
DUN/0497/62	Site for 2 dwelling	Refused
DUN/0646/72	Installation of gateway and extension to existing vehicular access	Approved with conditions
DUN/0716/69	Site for caravan	Approved with conditions
UTT/0094/05/FUL	Proposed erection of stables,tack room,hay store	Approved with conditions
UTT/0790/04/FUL	Conversion of barn and stable to dwelling. Erection of detached double cart shed/store and creation of new access Change of use from agricultural land to garden use	Approved with conditions
UTT/0791/04/LB	Conversion of barn and stable to dwelling with internal alterations	Approved with conditions
UTT/13/0068/CC	Application for the bagging of indigenous and imported aggregates together with the erection of a building	

UTT/13/1284/FUL	Conversion of barn and stable to dwelling. Erection of detached cart lodge	Approved conditions	with
UTT/13/1370/LB	Conversion of barn and stable to dwelling including internal alterations	Approved conditions	with
UTT/15/2046/HH F	Proposed new access/drive way with the erection of new gate/fence.	Approved conditions	with
UTT/15/2326/FUL	Conversion of barn and stable to dwelling (amendments to planning application UTT/13/1284/FUL)	Approved conditions	with
UTT/15/2329/LB	Conversion of barn and stable to dwelling (amendments to listed building consent UTT/13/1370/LB)	Approved conditions	with
UTT/19/2354/OP	Outline application for the construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved.(site to the north)	Allowed at appeal.	
UTT/18/2574/OP	<p>Hybrid planning application with: Outline planning permission (all matters reserved except for points of access) sought for demolition of existing buildings (excluding Folly Farm) and development of up to 332 dwellings, including affordable housing, 1,800 sqm Health Centre (Class D1) and new access from roundabout on B1256 Stortford Road together with provision of open space incorporating SuDS and other associated works.</p> <p>Full planning permission sought for demolition of existing buildings (including Staggs Farm) and development of Phase 1 to comprise 108 dwellings, including affordable housing, a new access from roundabout on B1256 Stortford Road, internal</p>	Approved conditions	with

	circulation roads and car parking, open space incorporating SuDS and play space and associated landscaping, infrastructure and other works. 14ha of land to be safeguarded for education use via a S.106 Agreement	
UTT/13/2107/OP	Outline application, with all matters reserved, for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure (Land north of Stortford Road)	Approved with conditions.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 UTT/19/2544/PA: 40 dwellings, written advice only.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority - Objection

8.1.1 The impact of the proposal is not acceptable to the Highway Authority.

8.2 Local Flood Authority - No Objection

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 subject to conditions

8.3 Historic England - No Advice Given

8.3.1 Do not wish to advise

8.4 Manchester Airport Group - No Objection

8.4.1 No objections subject to conditions.

9.0 TOWN COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health - No Objection

10.1.1 I have no objection in principle to this development and recommend the following conditions that could be imposed at the reserve matters stage.
Comments
Noise Impact Assessment on the proposed Dwellings from Existing Environmental Noise Sources.

The site is in close proximity to the A120 which will provide the predominate noise source. There is one other potential noise source from the from the activities of the existing Dunmow Fencing Supplies which borders the west of the proposed site.

For this reason, a noise assessment report will be necessary to consider the impacts of noise and the possible mitigation measures.

I therefore recommend the following condition:

No above residential development shall take place until noise assessment is undertaken to assess the impact of road traffic noise, and other sources on the proposed development. Noise monitoring should be a minimum a 3-day noise survey shall be undertaken and submitted to the Local Planning Authority prior to any reserved matters application to fully assess the noise environment in this location.

Should it be determined that the baseline monitoring is affected by the existing activities of Dunmow Fencing Supplies, in accordance with the requirements of BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound', the character of the noise emission(s) would inform the addition of rating penalties (to account for impulsive, tonal, intermittent, or other identifiable characteristics) to the baseline noise measurements. A combination of the existing baseline noise levels and applied rating corrections would need to be taken into consideration when considering the appropriate noise mitigation measures. the assessment of site suitability.

The glazing, façade, and ventilation specification of the dwellings shall be designed to achieve the following environmental noise limits internally: Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAmax. Living Rooms (07.00-23.00 hrs) 35 dB LAeq External amenity areas shall be screened against road traffic noise where necessary to achieve LAeq16h not exceeding 55dB in at least part of each garden.

A detailed scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic and other sources will need to be submitted to and approved in writing by the local planning authority. The scheme shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014

The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 23:00

Resting - Living room 35 dB LAeq,16hour

Dining - Dining room/area 40 dB LAeq,16hour

Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

Sleeping/Night-time Bedroom 35 dB LAeq,8hour

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dB LAeq,16hr. If a threshold level relaxation to 55 dB LAeq,16hr is required for external areas full justification and explanation should be provided.

Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

Noise from the system will not present an adverse impact on occupants
The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions and as a minimum must comply with Building Regulation approved document F.

The alternative means of ventilation shall be maintained thereafter.

The dwellings shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

There is no indication of the installation of air source heat pumps. If this is being considered these is a potential source of noise that could impact on dwellings unless suitably designed, enclosed, or otherwise attenuated. Their operation should not exceed the existing background noise level inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142: 2014+ A1: 2019.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development

2. Air Quality

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

A condition requiring a charging point for electric vehicles is requested.

3. Contaminated land

Whilst we have no evidence that the proposed site land is contaminated, as a minimum a precautionary land contamination condition is recommended.

Phase 1 Contaminated Land

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing. Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Suggested informatives

Renewable Technologies:

Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

Construction

Developers are referred to the Uttlesford District Council Environmental Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

10.2 Place Services (Conservation and Heritage)

10.2.1 Built Heritage Advice pertaining to an outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane.

The site is a field to the south and west of Highwood Farm. There are two Grade II listed buildings affected by the application:

Highwood Farmhouse (list entry no: 1323789), a late fifteenth-century farmhouse, timber-framed and plastered with a half-hipped crosswing and red plain tile roof.

Barn at Highwood Farm (list entry no: 1142502), a seventeenth-century timber-framed and weatherboarded barn with red pantile roof, of four bays with gabled midstrey to east, now in residential use.

Historically, the application site was a field, closely associated with the historic farmstead as part of its core agricultural land. Historic England guidance on *The Setting of Heritage Assets (2017)* identifies various attributes of setting which contribute to significance, including

‘surrounding landscape, views, tranquillity, remoteness and land use’. The application site makes a positive contribution to the setting, experience and appreciation of Highwood Farm as an historically isolated farmstead surrounded by agricultural land, providing a rural context for the listed buildings.

A number of housing developments have been approved in the immediate vicinity of the listed buildings which will have a cumulative impact on their setting:

UTT/13/2107/OP development of 790 homes on the north side of Stortford Road

UTT/20/1963/CC development for a new school and associated infrastructure on land directly to the east of the listed buildings

UTT/19/2354/OP development of up to 60 homes on the field directly to the north of the listed buildings, allowed on appeal in January 2022

The Built Heritage Statement (August 2019) accompanying application UTT/19/2354/OP identified that development on the field directly to the north of the listed buildings would result in a moderate level of less than substantial harm to the heritage assets at Highwood Farm.

The current application is for a development of 14 dwellings on the land directly to the south and west of the listed buildings. The application site constitutes the last area of open land around the heritage assets. The cumulative impacts of the surrounding developments upon the setting and significance of the listed assets therefore needs to be considered.

The Heritage Statement submitted as part of the suite of application documents concludes that:

Whilst the proposed scheme is considered to cause a low degree of harm (low end of the less than substantial) to the setting of the listed buildings as it would erode some of its rural setting, this harm has been minimised, and that the remaining harm is justified.

I consider that this conclusion underestimates the harm that the proposals would cause to the setting and significance of the heritage assets. Development on this site will fundamentally alter the context of the listed buildings, severing the link between the surrounding agricultural land and the listed buildings and divorcing them from their wider rural context. This would have a significant impact upon the ability to understand and appreciate them as an historically rural farmhouse and barn serving the wider agrarian landscape. The cumulative impacts of the surrounding developments would be suburbanising, changing the rural context of the listed buildings and leading to them being surrounded by built development. This would affect both the understanding and appreciation of the listed buildings as a rural farmstead.

Given that moderate harm was identified as a result of the development to the north, I consider that development on the application site would have a greater impact because of the cumulative effect of the proposals. While the impact could be mitigated to some extent through appropriate

design, landscaping buffer and materials at the reserved matters stage, the cumulative impact of the proposals would be harmful to the setting of the listed buildings.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to pay special regard to the desirability of preserving a designated heritage asset or its setting, while NPPF (2021) para 199 requires local authorities to give great weight to a designated heritage asset's conservation.

Overall, it is considered that the proposed development would cause less than substantial harm to the setting and significance of the listed buildings, NPPF para 202 being relevant. The harm is considered to be at the mid-point of the scale. The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting

10.3 Place Services (Ecology) - No Objection

10.3.1 No objection subject to securing biodiversity mitigation and enhancement measures

10.4 Place Services (Archaeology) - No Objection

10.4.1 An Archaeological Programme of trial Trenching followed by an Open area of Excavation is recommended,

10.5 Cadent Gas - No Objection

10.5.1 No objections

10.6 Flitch Way Action Group

10.6.1 I am Secretary of Flitch way action Group and Uttlesford area representative for Essex Bridleways Association. I welcome the reduction from 35 to 14 houses. However, I believe the access route for this development will have a detrimental impact on users of nearby public rights of way. Buttleys Lane is a single-track rural lane giving access to a network of footpaths, bridleways and byways. It is a key route for walkers, horse riders and cyclists. The connecting public rights of way include Footpath 18_32 to the east which is to be upgraded to a bridleway as part of the new bridleway linking the severed sections of the Flitch Way, Byway 18_34 to the south connecting with the Flitch Way, Bridleway 33_37 (the section of the Flitch Way rerouted to allow for the A120 dual carriageway) to the west, Bridleway 18_33 to the north alongside High Wood.

Buttleys Lane is part of National cycle Route 16. Local equestrians ride it and Essex Bridleways Association run an annual ride which attracts anything up to 120 riders along it (September 4th this year).

The sight lines along Buttleys Lane are poor: contrary to the photographs accompanying this application, you can't see to the B1256 from the exit suggested for this development. Drivers won't be able to see riders, cyclists and walkers and the narrow width of the road won't allow for them to step aside out of harm's way. If motorised users could be relied upon to follow the new Highway Code provisions designed to protect pedestrians, cyclists and horse riders, there would be less cause for concern since drivers would not attempt to pass a cyclist or horse rider on Buttleys Lane.

But realistically it is to be expected that drivers will try to pass and put vulnerable road users at risk. If this application is approved, I ask that the exit route be via the development immediately to the north thus avoiding the risk of unpleasant encounters between motorised traffic and walkers, horse riders and cyclists? The new national speed limit signs at the entry to Buttleys Lane do nothing to encourage drivers to proceed slowly and with care. If Buttleys Lane must serve as the access to this development, I ask that these signs be replaced with 10mph signs, speed bumps and warnings to look out for and give priority to walkers, horse riders and cyclists.

10.7 Stansted Airport Aerodrome Safeguarding authority - No Objection

10.7.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to the following Conditions:

All future design details will need to be checked by the aerodrome safeguarding authority.

Reason: Flight safety – elements of design can pose a hazard to flight safety.

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

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

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

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

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 reflective materials to be used in the construction of these buildings.
(*please liaise with STN to check).

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

No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

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

10.8 Essex Police

10.8.1 UDC Local Plan Policy GEN2 - Design (d) states It helps reduce the potential for crime.

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

We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes Self Build award, see Self Build 2019 Guide: <https://www.securedbydesign.com/guidance/design-guides> . An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.9 Anglian Water - No Comment

10.9.1 No comment

10.10 MOD

10.10.1 The pipeline has been declared as redundant.

10.11 Thames Water - No Objection

10.11.1 No objection

10.12 UK Power Networks

10.12.1 Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

10.13 Affinity Water - No Comment

10.13.1 No comment

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 101 notifications letters were sent to nearby properties. The application was advertised on the 10th March 2022

11.2 Summary of Representations

Highways Safety
Lack of provisions for cyclists and walkers
Impact on Flitch Way
Impact of privacy

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;
(a) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

12.4 The Development Plan

12.5 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

13.2 National Planning Policy Framework (2021)

Planning Policy Guidance

13.3 Uttlesford District Plan 2005

Policy S7 – The countryside Policy

GEN1- Access Policy

GEN2 – Design Policy

GEN3 -Flood Protection Policy

GEN4 - Good Neighbourliness Policy

GEN6 - Infrastructure Provision Policy

GEN7 - Nature Conservation Policy

GEN8 - Vehicle Parking Standards Policy

H9 - Affordable Housing,

H10 - Housing Mix Policy

H1 – Housing Development

ENV2 - Development affecting Listed Buildings Policy

ENV3 - Open Space and Trees, Policy

ENV7 The protection of the natural environment designated sites

ENV4 - Ancient monuments and Sites of Archaeological Importance

Policy ENV5 - Protection of Agricultural Land Policy

ENV10 -Noise Sensitive Development, Policy

ENV13 - Exposure to Poor Air Quality Policy

ENV14 - Contaminated Land

13.4 Great Dunmow Neighbourhood Plan 2015-2032 Made December 2016

DS1:Town Development Area

DS15: Local Housing Needs

LSC1: Landscape, Setting and Character

DS13: Rendering, Pargetting and Roofing

DS12: Eaves Height

GA2: Integrating Developments

DSC: land south of Stortford Road and Land adjacent to Buttleys Lane.

GA3: Public Transport

DS9: Buildings for Life

GA1: core footpath and Bridleway Network.

DS11: Hedgerows
LSC-A The historic Environment.

13.5 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) Highways Safety and Parking Provision**
 - C) Design and Amenity**
 - D) Biodiversity**
 - E) Impact on setting and adjacent listed building**
 - F) Affordable Housing/Housing Mix**
 - G) Contamination**
 - H) Drainage and Flooding**

14.3 A) Principle of development

14.3.1 The application site is outside of the development limits and in the countryside (ULP Policy S7). Development in this location 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.

Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

14.3.2 This is consistent with paragraph 174(b) of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside.

14.3.3 The National Planning Policy Framework 2021 describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 YHLS. The latest housing delivery test is 99%.

14.3.4 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 5 YHLS cannot be delivered. As the council is currently unable to demonstrate a 5 YHLS, 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).

A provision of 14 residential dwellings would make a valuable contribution to housing supply within the district.

14.3.5 As advised, this presumption in favour of sustainable development is increased where there is no 5 YHLS. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 3.52-YHLS. Therefore, contributions toward housing land supply must be regarded as a positive effect

14.3.6 However, the NPPF does not suggest that the policies of the Development Plan (Including Policy S7) should be ignored or disapplied in such circumstances, instead requiring that the 'tilted balance' in paragraph 11 must be applied. It remains a matter of planning judgment for the decision-maker to determine the weight that should be given to the policies, including whether that weight may be reduced taking account of other material considerations that may apply, including the degree of any shortfall in the 5 YHLS.

14.3.7 Paragraph 219 of the NPPF confirms that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF. Instead, it states that due weight should be given to them according to their degree of consistency with the Framework and that the closer the policies in the plan to the Framework, the greater the weight that may be given.

14.3.8 Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) 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; and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

The neighbourhood plan would however be a material consideration. The site is located outside the town Development area as established in the made Great Dunmow Neighbourhood Plan (GDNP).

The GDNP, is now more than two years old and as such the added protection of Paragraph 14 would not however apply in respect of the Made Great Dunmow Neighbourhood Plan as this was made on December 2016 (greater than 2 years)..It is therefore necessary to assess whether the application proposal is sustainable development.

- 14.3.9** The proposal seeks the erection of 14 self-build dwellings together with access from and improvements to Butleys Lane.
- 14.3.10** It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social, and environmental gains sought jointly and simultaneously through the planning system.
- 14.3.11** Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 14.3.12** 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 proposal would make a small contribution towards the delivery of the housing needed in the district.
- 14.3.13** Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 14.3.14** Paragraph 174 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic beauty and character of the countryside. The Framework therefore reflects the objective that protection of the countryside is an important principle in the planning system and is one that has been carried forward from previous guidance (and is unchanged from the way it was expressed in previous versions of the NPPF).

- 14.3.15** The site is outside of the development limits and currently undeveloped. It is considered that the dwellings on this site would be harmful to the character of the landscape. The NPPF recognises the intrinsic character and beauty of the countryside. This proposal would have an urbanising impact on the character of the rural countryside setting. This proposal is contrary to the aims of paragraph 174 of the NPPF. Policy S7 is therefore a very important consideration for the sites, as it applied strict control on new building.

Ensuring that new development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or that there are special reasons why the development in the form proposed needs to be there. It is considered that the proposal would result in intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality. effect that would be harmful to the setting and character of the countryside. Great Dunmow has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.

- 14.3.16** The Council contends that this development would be harmful to the rural characteristics of the area, it would not be in keeping with the landscape character, by eroding the rural approach to Great Dunmow. It is very divorced from any built form on the southern side of the road. The allocated dwellings and proposed school site to the east of the site form the boundary of built form to the southwest of the town, with Butleys Lane being the defensible boundary of the built form. Near to the site is the Flitch Way, which must be protected in the event of the development of this site. The site also is adjacent to a Public Right of Way and cycle route.

- 14.3.17** A material consideration is the recent appeal for the site north of the application site.

The recent planning appeal allowed for the erection of 60 dwellings west of Butleys Lane immediately north of the application site (UTT/19/2354/OP When built this would change the character of the approach into Great Dunmow as would the development of the site to the east approved under UTT/20/1119/CC and UTT/18/2574/OP for a school and up to 332 dwellings and a health centre.

- 14.3.18** The proposal would extend development into the open countryside beyond clearly defined limits, diminishing the sense of place and local distinctiveness of the settlement. The proposal could be designed at reserved matters stage to minimise the harm caused. This harm would need to be weighed against the benefits of the proposal.

The site is also adjacent to listed buildings (the impact on the Heritage assets are considered below) The proposal would have a detrimental

impact on the character and setting of the Listed building, which would need to be weighed against the benefits.

14.3.19 In view of the adjacent approved applications (allocated and at appeal), taking into account the lack of 5 YHLS, the proposal is on balance considered to be acceptable in principle.

14.4 B) Highways Safety and Parking Provision

14.4.1 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight. Great Dunmow NP policies GA1, GA2 and GA3 relate to various aspect of sustainable transport promoting other means of transport other than the private car, namely public rights of way and public transport. These principles form part of the principles of sustainable development in the 2021 NPPF and as such are considered to carry full weight.

ULP Policy GEN1 of the adopted Local Plan states that development will only be permitted if it meets all of the following criteria;

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely;
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network;
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired;
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access;
- e) The development encourages movement by means of other than driving a car.

14.4.2 The proposals are indicated to have one point of access onto Buttleys Lane.

14.4.3 Access falls to be considered for this outline application. Essex County Council Highways officers have assessed the application and they have stated that from a highway and transportation perspective the impact of the proposal is not acceptable to the highway authority for the following reasons:

The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety. Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided;

- a) A plan showing the proposed highway works within the red line to include details pertaining to the highway boundary (including a topographical survey showing highway boundary features) and land in the control of the applicant to ensure that the proposed works are deliverable.
- b) A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.
- c) A plan demonstrating the full extent of the visibility splays from the proposed site access onto Buttleys Lane can be achieved in either direction, with the highway boundary and red line overlaid.
- d) Appropriate provision for pedestrians along Buttleys Lane.
- e) The appropriate accommodation of the highway user (pedestrians, cyclists, and equestrians) accessing the Public Rights of Way network (including Flitch Way), and wider highway network.
- f) Swept path analysis demonstrating a large refuse vehicle entering and exiting the site to the north and south.

The development would result in an increase in the number of vehicle movements using the access road. The work to be undertaken to make it acceptable in highway terms would change the character of the lane.

UTT/19/2354/OP, as allowed at appeal under APP/C1570/W/21/3270615, proposed a new direct access to B1256, to the north of the site it would be preferable for this site to access through that development and every effort should be made to achieve this.

14.4.4 As such there is insufficient information has been supplied for the application to comply policy GEN1. Therefore, the proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

14.4.5 Any proposal would need to comply with the current adopted parking standards. The Council has adopted both Essex County Council's Parking Standards – Design and Good Practice (September 2009) as well as the Uttlesford Local Residential Parking Standards (December 2012), details of both of sets of standards can be found on the Council's website – www.uttlesford.gov.uk under supplementary planning documents. The applicant should adhere to guidance in the Essex Design Guide and the Local Plan Policy GEN8 – Vehicle Parking Standards.

The required parking provision requirement for C3 (dwellings) use is:
A minimum of 2 spaces (3 spaces for 4+bedrooms) per dwelling and 0.25 spaces per dwelling for visitor parking.

Cycle provision - If no garage or secure area is provided within the curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents.

Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface) The minimum internal dimension for garages is 7m x 3m. Flats and houses are treated the same in respect of parking provision requirements and as such the two bed and three bed flats will each require 2 parking spaces. 4 visitor parking spaces are required. The visitor parking should be spread cross the site.

All parking surfaces shall be of a permeable material or drained to a soakaway.

Roads must meet adoptable road standards in respect of fire regulations and bin refuse collection.

14.4.6 Recently the council has adopted an Interim climate change Planning Policy requiring all new homes to be provided with at least one installed fast charging point.

14.4.7 The above requirements can be secured by a suitable worded condition.

14.5 C) Design and Amenity

14.5.1 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design.

14.5.2 All matters for the current application are reserved except access. Scale, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage.

14.5.3 The application is supported with an indicative masterplan, parameters plan, a set of guiding design principles and a plot passport.

14.5.4 Each plot has a defined area within which the dwelling may be constructed. The individual plots vary in shape and orientation and each plot has its own 'Plot Passport' which regulates the build footprint. Each plot is dimensioned, and the build zone is determined according to the specific configuration of the plot.

14.5.5 In addition, other guiding principles relate to height, distances to boundaries, boundary treatment and the main frontage of each dwelling, together with access and parking. A full list is set out below:

'Build Area': Each plot owner has an identifiable 'build area' within which a maximum developable footprint can be delivered. The master layout and design vision affords variety and avoids repetition or uniformity.

Scale and massing [Xm maximum and Xm minimum zones]

Principal frontage location

Parking spaces will be 'on plot' and can take the form of garages or car ports within the build area

Landscape treatments, such as garden hedges; planting and maintenance

Distance to boundaries minima: Side boundary X metres & front boundary X metres.

Tree Root Protection Areas to be fenced during construction.

Construction Accommodation to be positioned outside the Tree Root Protection Areas.

Avenue Trees are to be positioned in the verge in line with plot boundaries.

Permitted Development: Future development is permitted within the original build footprint for each plot (notwithstanding planning permitted development allowances for extensions).

- 14.5.6** A sample Plot Passport include the provision of solar panels, Electric charging Points, Minimum of 25m² of intensive green roofs, Air source heat pumps and rainwater harvesting system for all non- green roofs.
- 14.5.7** The Uttlesford Local Plan (20 January 2005), was adopted before the Uttlesford Self and Custom Build register was set up. Therefore, there are no policies that specifically refer to self and custom build.
- 14.5.8** Self-build and custom housebuilding contribute to effective designs and sustainable construction, as well as facilitating the provision of a range of high quality homes, the right mix of housing of appropriate size, type and tenure to help meet the demands of the different group within the community.
- 14.5.9** Even though the Council does not have current Policy on Self-Build and Custom Housebuilding the Council continues to support and encourage development proposals promoting a mix of housing sizes, types and tenure needed for different groups in the district. The housing mix includes affordable housing, family homes, homes for the elderly, renters, and people wishing to build their own homes.
- 14.5.10** Policy GEN 2 of the local plan seeks amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity.

The design shall be compatible with the scale, form, layout, appearance of surrounding buildings.

- 14.5.11** The development will not be permitted if it would 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. Minimum distances are sated on the master indicative plan.
- 14.5.12** The site is located in close proximity to the A120 and also there is one other potential noise source from the activities of the existing Dunmow fencing supplies which borders the west of the proposed site.
A noise assessment report would be necessary to consider the impacts of noise and the possible mitigation measures. If approved this could be secured by a relevant condition.
- 14.5.13** To ensure future occupiers enjoy a good acoustic environment, in accordance with ULP policy ENV10 a condition would be required if air source heat pumps are installed. There are proposed air source heat pumps shown on the sample plot Passport. If these are being considered these is a potential source of noise that could impact on dwellings unless suitably designed, enclosed, or otherwise attenuated. Their operation should not exceed the existing background noise level inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142: 2014+ A1: 2019.
- 14.5.14** In view of the sites location in relation to Stansted airport, all exterior lighting to be capped at the horizontal with no upward light spill and no reflective materials to be used in the construction of these buildings.

This can be achieved by a suitably worded condition.
- 14.5.15** The Essex Design Guide recommends the provision of 100M2 private amenity space for 3 bedroom and above properties. The indicative plans shows that this is achievable.
- 14.5.16** The indicative plans show that all of the units would have private amenity spaces capable of being in accordance with the requirements set out in the Essex Design Guide.
- 14.5.17** As appearance, layout, landscaping and scale are reserved matters a full assessment of the potential impacts cannot be made. Notwithstanding this, the indicative layout shows that the proposed development could eb accommodated on site without giving rise to residential amenity.

14.6 D) Biodiversity

- 14.6.1** Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate

mitigation measures must be implemented to secure the long-term protection of protected species.

- 14.6.2** The application is accompanied by a completed biodiversity checklist and a Preliminary Ecological Appraisal (November 2021).
- 14.6.3** Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd., November 2021) should be secured by a condition of any consent and implemented in full. The mitigation measures identified in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd., November 2021) should be secured by a condition of any consent and implemented in full.
- 14.6.4** The development site is situated within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.
- 14.6.5** As a first step towards a comprehensive mitigation package, the visitor management measures required within Hatfield Forest SSSI / NNR have been finalised in a Hatfield Forest Mitigation Strategy
- 14.6.6** As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 14.6.7** The proposed reasonable biodiversity enhancements including infill planting of hedgerows, tree/hedgerow planting, wildflower meadow creation and ponds and the installation of habitat boxes for bats and birds as well as the provision of Hedgehog Highways, 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 Strategy. This can be achieved by a suitably worded condition.
- 14.6.8** Given the habitats proposed as part of the enhancement, it is recommended that a Landscape and Ecological Management Plan (LEMP) is provided to outline how these proposed habitats will be managed for the benefit of wildlife. The LEMP should be secured by a condition of any consent.

14.6.9 A Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries.

14.6.10 Subject to suitable conditions to minimise the impacts of the proposal they confirm that the proposal is acceptable.

14.6.11 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.

14.7 E) Impact on setting and adjacent listed building and heritage assets

14.7.1 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out., Policy ENV2 is broadly consistent with the Framework, and should be given moderate weight.

14.7.2 Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.

14.7.3 The following listed buildings are adjacent to the site:

Highwood Farmhouse (list entry no: 1323789), a late fifteenth-century farmhouse, timber-framed and plastered with a half-hipped crosswing and red plain tile roof.

Barn at Highwood Farm (list entry no: 1142502), a seventeenth-century timber-framed and weatherboarded barn with red pantile roof, of four bays with gabled midstrey to east, now in residential use.

14.7.4 Paragraphs 199, 200 and 1202 of the NPPF state: When considering the impact the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

14.7.5 A number of housing developments have been approved in the immediate vicinity of the listed buildings which will have a cumulative impact on their setting:

UTT/13/2107/OP development of 790 homes on the north side of Stortford Road

UTT/20/1963/CC development for a new school and associated infrastructure on land directly to the east of the listed buildings

UTT/19/2354/OP development of up to 60 homes on the field directly to the north of the listed buildings, allowed on appeal in January 2022

- 14.7.6** The Built Heritage Statement (August 2019) accompanying application UTT/19/2354/OP identified that development on the field directly to the north of the listed buildings would result in a moderate level of less than substantial harm to the heritage assets at Highwood Farm.
- 14.7.7** The current application is for a development of 14 dwellings on the land directly to the south and west of the listed buildings. The application site constitutes the last area of open land around the heritage assets. The cumulative impacts of the surrounding developments upon the setting and significance of the listed assets therefore needs to be considered.
- 14.7.8** The Heritage Statement submitted as part of the suite of application documents concludes that:
Whilst the proposed scheme is considered to cause a low degree of harm (low end of the less than substantial) to the setting of the listed buildings as it would erode some of its rural setting, this harm has been minimised, and that the remaining harm is justified.
- 14.7.9** Specialist conservation advise is that this conclusion underestimates the harm that the proposals would cause to the setting and significance of the heritage assets. She states that development on this site will fundamentally alter the context of the listed buildings, severing the link between the surrounding agricultural land and the listed buildings and divorcing them from their wider rural context. This would have a significant impact upon the ability to understand and appreciate them as an historically rural farmhouse and barn serving the wider agrarian landscape. The cumulative impacts of the surrounding developments would be suburbanising, changing the rural context of the listed buildings and leading to them being surrounded by built development. This would affect both the understanding and appreciation of the listed buildings as a rural farmstead.
- 14.7.10** Given that moderate harm was identified because of the development to the north, it is considered that development on the application site would have a greater impact because of the cumulative effect of the proposals. While the impact could be mitigated to some extent through appropriate design, landscaping buffer and materials at the reserved matters stage, the cumulative impact of the proposals would be harmful to the setting of the listed buildings.

- 14.7.11** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to pay special regard to the desirability of preserving a designated heritage asset or its setting, while NPPF (2021) para 199 requires local authorities to give great weight to a designated heritage asset's conservation.
- 14.7.12** Overall, it is considered that the proposed development would cause less than substantial harm to the setting and significance of the listed buildings, NPPF para 202 being relevant. The harm is considered to be at the mid-point of the scale. The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting.
- 14.7.13** Paragraph 202 of the NPPF states 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.
- 14.7.14** The proposal would include limited public benefits of 14 dwellings.
- 14.7.15** It is not considered that the public benefits on balance outweigh the less than substantial harm to the Heritage Assets and their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.
- 14.7.16** Policy ENV4 seeks to protect archaeological heritage assets. Like Policy ENV2 this policy does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV4 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV4.
- 14.7.17** The County Archaeologist has identified that the site lies within an area of known archaeological deposits. The proposed development area is located adjacent to cropmark evidence indicating a number of potential prehistoric and medieval features (EHER 14075) to the north of the proposed development recent excavations have identified various features and phases of occupation including those of Iron age, Roman and medieval date. Also to the north is the roman road of Stane Street , Medieval coins and Bronze Age pottery has been identified just south of the propose development. Therefore, there is potential for multi-period deposits being impacted on by the proposed development.
- 14.7.18** The County Archaeologist has recommended an archaeological programme of trial trenching followed by open area excavation. This can be secured by

condition if planning permission is granted. This would be sufficient mitigation to off-set the harm to the heritage assets and as such the proposals would comply with Policy ENV4 and the NPPF.

14.8 F) Affordable Housing/housing mix/self-build

14.8.1 On sites of 0.5 hectares or more or of 15 dwellings or more, the Council will seek 40% of affordable housing. This application is for 14 dwellings and 3.1 hectares.

14.8.2 The proposed development is for self-build. The self-build and Custom Housebuilding Act 2015 provides a legal definition of self-build and custom house building. The Act does not distinguish between self-build and custom house building and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. In considering whether a self-build, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

14.8.3 The Government is committed to boosting housing supply and believes that the self-build and custom housebuilding sector has an important role to play in achieving this objective.

14.8.4 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including people wishing to commission or build their own homes).

14.8.5 Self-build and custom housebuilding contribute to effective designs and sustainable construction, as well as facilitating the provision of a range of high-quality homes, the right mix of housing of appropriate size, type and tenure to help meet the demands of the different group within the community.

14.8.6 Even though the Council does not have current Policy on Self-Build and Custom Housebuilding the Council continues to support and encourage development proposals promoting a mix of housing sizes, types and tenure needed for different groups in the district. The housing mix includes affordable housing, family homes, homes for the elderly, renters, and people wishing to build their own homes.

14.8.7 A S106 is required to cover for the occupancy and restrictions on re-sale for the self-build plots.

14.9 G) Contamination

14.9.1 Policy ENV14 states that before development, where a site is known or strongly suspected to be contaminated, a site investigation, risk assessment, proposals and timetable for remediation will be required.

14.9.2 Environmental Health officers have been consulted and they state that a precautionary contaminated land condition is recommended.

14.10 H) Flood risk

14.10.1 Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.

14.10.2 The site is located within Flood Zone 1 and therefore the area least likely to flood.

14.10.3 The Local lead Flood Authority raise no objections to the proposals subject to conditions. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.2 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.

15.3 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.

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

15.5 Human Rights

15.6 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 principle of the development is on balance considered to be acceptable. It is considered that the weight to be given to the requirement to provide a 5 YHLS and the housing provision which could be delivered by the proposal would outweigh the harm caused to countryside harm.
- 16.2** The access to the development is not acceptable. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety.
- 16.3** All matters for the current application are reserved except access. Scale, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage.
- 16.4** Subject to conditions securing mitigation measures, the proposal would not have any material detrimental impact in respect of protected species and would accord with ULP Policy GEN7.
- 16.5** It is not considered that the public benefits on balance outweigh the less than substantial harm to the Heritage Assets and their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005
- 16.6** A S106 is required to cover for the occupancy and restrictions on re-sale for the self-build plots.
- 16.7** The proposal subject to conditions would accord with ULP policy ENV14.
- 16.8** The site is at low risk of flooding.

17. REASONS FOR REFUSAL

- 1** Insufficient information has been submitted to ensure safe and suitable access to the site for all highway users is provided.

The applicant has failed to demonstrate, to the satisfaction of the Highway Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety. Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided, contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

- 2 The proposed development would cause less than substantial harm to the setting and significance of the listed buildings, NPPF para 202 being relevant. The harm is considered to be at the mid-point of the scale. The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.
- 3 The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the development, and to the control the self-build provision and re-sale on the site contrary to Policy GEN6 of the Adopted Local Plan 2005.

Statutory consultee responses for UTT/22/0391/OP

ECC Suds comments 10th March 2022

Consultation Response –UTT/22/0391/OP- Highwood Farm Stortford Road Great Dunmow Essex CM6 1SJ

Thank you for your email received on 28 February 2022 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:

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: 2

- • 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
- • Limiting discharge rates to 2.6l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- • 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 in 30 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.
- • An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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.
- • 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 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.

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.

Condition 3

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.

We also have the following advisory comments:

- The detailed consideration of features such as swales will be conditioned.
- 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>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

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 4

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.

Yours sincerely,

Alison Vaughan, Development and Flood Risk Officer

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

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.

Highways Authority 26th April 2022

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety; Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided;
 - a. A plan showing the proposed highway works within the red line to include details pertaining to the highway boundary (including a topographical survey showing highway boundary features) and land in the control of the applicant to ensure that the proposed works are deliverable.
 - b. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.
 - c. A plan demonstrating the full extent of the visibility splays from the proposed site access onto Buttleys Lane can be achieved in either direction, with the highway boundary and red line overlaid.
 - d. Appropriate provision for pedestrians along Buttleys Lane.
 - e. The appropriate accommodation of the highway user (pedestrians, cyclists, and equestrians) accessing the Public Rights of Way network (including Flich Way), and wider highway network.
 - f. Swept path analysis demonstrating a large refuse vehicle entering and exiting the site to the north and south.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Note:

i i. UTT/19/2354/OP, as allowed at appeal under APP/C1570/W/21/3270615, proposed a new direct access to B1256, to the north of the site it would be preferable for this site to access through that development and every effort should be made to achieve this.

Informative:

i i. To obtain a copy of the highway boundary, please email – Highway.Status@essexhighways.org

i ii. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. It is advised that further clarification in this regard is sought where the boundary could be affected by the presence of an historic ditch as this may be crucial when determining available land for highway works, visibility, and the placement of boundary features such as fences, walls, or hedges.

i iii. Essex Highways have the capacity to carry out an independent stage one road safety audit on any proposed scheme. For further information, contact - roadsafety.audit@essexhighways.org

Historic England 17th March 2022

T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990
HIGHWOOD FARM, STORTFORD ROAD, GREAT DUNMOW, ESSEX , CM6 1SJ
Application No. UTT/22/0391/OP

Thank you for your letter of 28 February 2022 regarding the above Outline planning application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to

Buttleys Lane.

Historic England provides advice when our engagement can add most value. In this case we do not wish to offer advice. This should not be interpreted as comment on the

merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological

advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Sheila Stones

Inspector of Historic Buildings and Areas

MAG London Stansted Airport

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

- All future design details will need to be checked by the aerodrome safeguarding authority.

Reason: Flight safety – elements of design can pose a hazard to flight safety.

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

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

- During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the

site. No pools or ponds of water should occur/be created without permission.

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds

in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

- 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 reflective materials to be used in the construction of these buildings. (*please liaise with STN to check).

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

- No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

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

Informative:

- ▶ No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Navigation Order (“Order”). In particular in contravention of the following provisions under that Order:-
 - ▶ Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft or any person in an aircraft.
 - ▶ Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

- ▶ The applicant’s attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Exclusion Zones) Direction 2009.