



ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 31 August 2022

REFERENCE NUMBER: UTT/21/3596/OP

LOCATION: Moors Fields, Station Road, Little Dunmow

PROPOSAL: Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure.

APPLICANT: Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes.

AGENT: Mr G Armstrong

EXPIRY DATE: 11 March 2022

EOT Expiry Date: 9 September 2022

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Adjacent Listed Buildings, Close to Little Dunmow Conservation Area, Public Rights of Way, Adjacent Protected Lane, Adjacent Country Wildlife Park (Fritch Way), Adjacent Archaeological Site.

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 Outline planning permission is sought by the applicant (Catesby Land and Planning Limited, Ms A. Hawkes, Mr B. Hawkes) for the erection of up to 160 dwellings alongside associated works with all matters reserved at the site known as 'Moors Fields, Station Road, Little Dunmow'.

1.2 The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS and thereby paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.

- 1.3** The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in significantly boosting the Councils housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, opportunities for office working in a new office hub, on-site energy generation from low-carbon sources and the provision of public open spaces and a country park. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.4** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects. Furthermore, the proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of three adjoining listed buildings.
- 1.5** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report
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- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

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

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this outline planning application relates to the land known as 'Moors Fields, Station Road, Little Dunmow'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

- 3.2** The site is located on the south-eastern side of Station Road approximately 100m north of the village of Flitch Green. The site is relatively level with a slight slope falling approximately 10m from the north across the site to the south and is approximately 14.05 hectares in size. There is no established built form contained on the site and it primary consists of a single large arable field used for agriculture. There is an existing area of woodland known as Moors and an un-framed area of grassland to the south west of the site. Further vegetation in the form of mature hedgerows and trees are scattered along the boundaries of the site which provide some natural screening. No vegetation is covered by tree preservation orders.
- 3.3** The southern boundary of the site abuts 'The Flitch Way' which was a former railway but is now in use as a national cycle rout and public right of way and is designated as a country wildlife park. Opposite the 'The Flitch Way' is a modest size travellers' site and the main urban area of the village of Flitch Green.
- 3.4** The south-eastern corner of the application site is abutted by a residential development of approximately 25 dwellings at Ainsworth Drive and Harrisons Road. The rear gardens of approximately 10 residential dwellings set in a linear row along the southern side of Station Road back onto the northern boundary of the application site. Further to the north-west is the village of Little Dunmow located approximately 300m from the application site. Large open fields used for agriculture are located to the west of the site.
- 3.5** The site currently has three existing field access points, being in the north-western corner, a further alongside Pond Hill Villas, and another alongside Harrisons Road.
- 3.6** An existing public right of way (PRoW 35_35) extends along the western boundary of the site in a north-south direction and joins to a further public right of way (PRoW 35_10) which intersects through the site joining the village of Little Dunmow and Flitch Green.
- 3.7** The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. The Site is not located within any national landscape designations. Although not abutting, Little Dunmow Conservation area is located approximately 175m to the north-west of the site. The village of Little Dunmow consists of a number of listed buildings. The closets heritage assets to the site are those buildings known as 'Brambles House', 'Brights Cottage', 'The Cottage' and 'Willow Cottage' which all abut or are located close to the north-western corner of the site.

4. PROPOSAL

- 4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 160 dwellings be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans and a 'Design Code' which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3** The applicant confirms that there will be a mixed density and character areas throughout the site. This will include a lower density (25-30dph) along the interfaces with the northern open space, medium density (30-35dph) within the centre of the site and a higher density (35-40dph) along the southern edge of the site.
- 4.4** The height of residential development will generally be two storeys, with a some two-and-a-half dwellings. The houses would be a mixture of detached, semi detached and terrace houses and occasional apartment buildings.
- 4.5** Up to 160 new dwellings are proposed, of which up to 64, or 40% of the total, are to be affordable housing units with a mix of affordable tenures.
- 4.6** The creation of a new 100 sqm building is also proposed as an office hub to provide local workplace, enable remote working and to help reduce the need future occupiers to travel to work.
- 4.7** Approximately 8 hectares of the application site will be of public open space which will include, a new countryside park, allotments, community orchard, new play areas, ecology areas and a circular walking and cycling trial.

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 Application Site:

- 6.1.1** The application site formed part of a larger planning application in 2014 (application reference UTT/14/2756/OP) seeking permission for up to 750 dwellings, a village centre, community and employment use and a primary school. The application site only formed a small proportion of

the above proposals which extended to its north, south and west totalling approximately 55 hectares. This application was refused on grounds that it would be of a scale not compatible with the surrounding area, would result in coalescence with Little Dunmow and Flitch Green and harm the setting of the Little Dunmow Conservation Area and listed buildings.

6.2 Surrounding sites:

6.2.1 Outline planning permission was sought under application ref: UTT/18/0440/OP for the construction of 18 dwellings with all matters reserved except for accesses and structural landscaping, at the site known as Land at Pound Hill, Little Dunmow. This site immediately abuts the northern boundary of the application site.

6.2.2 This application was refused by the Council on 13th December 2018 for reasons relating to visual impact to the character of the area and harm upon the heritage assets. This application was subsequently appealed under ref: APP/C1570/W/19/3228069 where the Inspector concluded to allow the appeal. The planning merits of this application are relevant to some extent to the assessment of this scheme and are referred to in the main assessment of this report.

6.2.3 UTT/19/1789/FUL – Full planning permission was granted 21st May 2021 for 14 dwellings vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure at the same site as above.

6.2.4 Outline planning permission was sought under application ref: UTT/18/1039/OP with all matters reserved except access for the erection of 9 no. bungalows on the site 'Land To The East Of Station Road Felsted Essex'. This application was appealed for non-determination by the Council under appeal ref: APP/C1570.W/18/3214763 whereby the Inspector concluded to allow the appeal on the 15th May 2021.

6.2.5 Following the allowed appeal, subsequently a full planning application was submitted for the same site under application ref: UTT/21/3182/FUL for the construction of 9 dwellings alongside associated infrastructure and access. This application was granted permission on 22nd April 2022.

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

- 7.2 This has included pre-application engagement including a programme of meetings between April and October 2021 between the Applicant and officers of Uttlesford District Council.
- 7.3 Furthermore, the Applicant has also given a pre-application presentation to Members of the Council's Planning Committee on 13th August 2021.
- 7.4 The applicant has also undertaken a virtual consultation with the local community. This included setting up a website to display the proposals and various strands of technical work. Local residents were made aware of the consultation exercise via a leaflet drop to 1,230 addresses and advertisements in the local press.
- 7.5 The applicant also attempted to liaise with Ward Councillors, the Flitch Way Action Group and contacted both the Flitch Green and Little Dunmow Parish Council's offering to meet and discuss the proposals prior to the application submission. However, for an unknown reason, these parties did not make commit to meeting the applicant.
- 7.6 Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed by officers and the public throughout the duration of the pre-application and consultation stages and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highway Authority – No Objection

- 8.1.1 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The Highway Authority concluded that from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions if permission was consented.

8.2 ECC 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 imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities. These conditions are attached to the list of conditions outline in Section 17 of this report.

8.3 ECC Minerals and Waste – No Objection

8.3.1 The application site does not pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment is not required as part of the planning application.

8.3.2 The application site does not pass through a Waste Consultation Area (WCA) and therefore, a Waste Infrastructure Impact Assessment is not required as part of the application.

8.3.3 We would recommend a condition attached if permission is approved requiring a condition for the applicant to prepare an appropriately detailed waste management strategy through a Site Waste Management Plan. This has been suggested as part of the conditions in Section 17 of this report.

8.4 Historic England – No Objection

8.4.1 We have carefully considered the comprehensive documentation submitted with the application and in this instance, we do not wish to offer any comments.

8.5 ECC Infrastructure – No Objection

8.5.1 A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 160 dwellings:

Early Years & Childcare: 160 houses multiplied by 0.09 = 14.40. 14.40 multiplied by £20,508.00 = £248,659.20;

Primary: 160 houses multiplied by 0.3 = 48. 48 multiplied by £17,268.00 = £828,864.00;

Secondary: 160 houses multiplied by 0.2 = 32. 32 multiplied by £23,775.00 = £760,800.00;

Libraries: £77.80 per unit.

8.5.2 In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries.

8.6 NHS West Essex

8.6.1 The proposed development is likely to have an impact on the service of 2 GP practice operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The development could generate approximately 450 residents and subsequently increase demand upon existing constrained services.

8.6.2 The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated

in the National Planning Policy Framework, provide appropriate levels of mitigation. A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £92,542.00. West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

9. PARISH COUNCIL COMMENTS

9.1 Felsted Parish Council - Objects

9.1.1 Traffic / Highways – The development would have a significant and unacceptable impact on traffic flow through Felsted village on the services and facilities within Felsted Parish.

9.1.2 The proposals will inevitably increase further the pressure on the local transport network contrary to UDC Policy GEN1.

9.1.3 Infrastructure – The Parish understands that the sewage works are unable to take further housing.

9.1.4 The doctors surgery within Felsted is already oversubscribed.

9.1.5 Felsted Primary School is full in all year groups.

9.2. Little Dunmow Parish Council - Objects

9.2.1 Overdevelopment – The proposal is outside the development limits and therefore constitutes inappropriate development and unsustainable development and would almost double the size of Little Dunmow. The proposals constitute linear ribbon development linking Little Dunmow to Flitch Green and Felsted.

9.2.2 Countryside – The proposals would have a negative impact on the landscape

9.2.3 Heritage – The proposals would cause harm to Little Dunmow Conservation Area as well as a number of listed buildings.

9.2.4 Biodiversity – The Flitch Way is a designated Local Wildlife Site. The proposals would adversely affect the rural landscape of the area and will irreparably harm the Flitch Country Park, wildlife and wildflowers.

9.2.5 Access – The proposed access is on a bend and is dangerous. Station Road is already congested at peak times and has had a number of road traffic accidents.

9.2.6 Sustainability – Little Dunmow is classed as an unsustainable village. All local schools are oversubscribed and are unable to accommodate the number of children expected.

The two nearby doctor's surgeries are already oversubscribed.

9.3 Flich Green Parish Council - Objects

9.3.1 Coalescence/Urban Sprawl – The proposals would provide coalescence of the three individual settlements of Flich Green, Little Dunmow and Felsted. The three villages would simply become one linear conurbation losing their individual identities.

9.3.2 Environment – This proposal will have a devastating impact on the attractive rural landscape resulting in a loss of open countryside paving the way for significant urbanisation.

9.3.3 Biodiversity – The proposals will have a very significant negative impact on the local wildlife.

9.3.4 Drainage – Drainage and sewage systems are already at their capacity limits.

9.3.5 Sustainability – Lack of local services and amenities, schools, doctors, and employment to accommodate further development.

9.3.6 Transportation – The proposals will result in a detrimental impact to highway safety and congestion.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 UDC housing officers has confirmed that the provision of 40% affordable housing is required and that it is Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 9 bungalows across the whole site delivered as 4 affordable properties and 5 for open market. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.

10.2 UDC Environmental Health

10.2.1 No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to contamination, air quality, noise, external lighting and construction.

10.3 UDC Urban Design Officer - No Objections

10.3.1 A Design Code has been included which is a positive addition. The officer stipulates that a condition needs to be included which states that the Design Code must be complied with, to give adequate weight in the decision making process at reserve matters stage.

10.4 UDC Landscape Officer/Arborist – Concerns Raised.

10.4.1 The revised illustrative landscape strategy plan goes some way to address my concerns. However, I remain concerned over the issue of coalescence between Flich Green and Little Dunmow.

10.5 Place Services (Conservation and Heritage) – Concerns Raised.

10.5.1 The application site through being open arable land makes a positive contribution to the setting to all identified heritage assets including the Little Dunmow Conservation Area and a number of Listed Buildings.

10.5.2 The proposed development will result in adverse impacts to the setting of the heritage assets, including the impact upon the historically uninterrupted views across the agrarian landscape resulting in a level of less than substantial harm.

10.5.3 Place Services concluded that the proposals would fail to preserve the special interest of several listed buildings contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change to their setting. In particular, the proposals shall result in a level of less than substantial harm at a low to medium level for Willow Cottage, The Cottage and Brights Cottage and at the lowest end of the spectrum for several other designated heritage assets.

10.5.4 The proposed development shall be visible from within the Little Dunmow Conservation Area and in long views from the Grade 1 listed Church of St Mary the Virgin. In consideration of the revised plans, the robust landscaping plan and the distance between the sites, the proposals are not considered to result in harm to the significance of these heritage assets.

10.6 Place Services (Ecology) – No Objection

10.6.1 Place Services confirmed that they have reviewed all the supporting documentation relating to the likely impacts of development on designated sites, protected species and priority species & habitats and identification of appropriate mitigation measures.

10.6.2 They concluded that the mitigation measures identified the Ecological Appraisal (Aspect Ecology, November 2021) was appropriate and should be secured by a condition of any consent and implemented in full.

10.6.3 It was also concluded that they support the proposed biodiversity enhancements including new native planting, the creation of wildflower grassland, wetland features and log piles, the installation of bat boxes, hedgerow nest domes, bird boxes and bee bricks which have been recommended to secure net gains for biodiversity and should also be secured by way of imposing planning conditions.

10.6.4 Place Services conclude that impacts arising from the development will be minimal such that the proposals are acceptable subject conditions. These conditions are suggested in Section 17 of this report.

10.7 Crime Prevention Officer – Concerns Raised

10.7.1 Whilst there are no apparent concerns with the general layout, we question the need to provide additional points of access onto the Fritch Way other than the existing footpath. In this case we feel the increase permeability increases the potential for crime for this and neighbouring developments. To commit further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

10.8 London Stansted Airport – No Objection

10.8.1 The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to conditions imposed on the consent in respect to mitigation measures to be taken to prevent birds being attracted to the site, prevention of light spillage and no reflective materials to be used in the construction.

10.9 Anglian Water – No Objection

10.9.1 Waste Water Treatment

10.9.2 The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

10.9.3 Used Water Network

10.9.4 The sewerage system at present has available capacity. If the developer wishes to connect to our sewerage network, they should contact ourselves.

10.9.5 Surface Water Disposal

10.9.6 From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such we are unable to provide comments on the suitability of the surface water management.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Letter of representation were received in which the main concerns are summarised as per below.

11.3 Object

11.3.1 Infrastructure – The proposals will result in strain to existing services that are already overstretched such as doctors, and schools.

The sewage system is at capacity.

Construction Works – Building works will cause unacceptable noise, dust, vibration and increase construction traffic.

Traffic/Highways – The proposals will result in harm to highway safety, cause more traffic congestion on the local highways and result in more accidents.

The existing highways (station road) is of a poor quality, narrow and will not be able to accommodate the increase intensification of construction vehicles and residential traffic.

Urban Sprawl / countryside – The proposals will join Little Dunmow and Flitch Green spoiling the rural area and the historic site of Little Dunmow.

The development will erode the natural habitat.

The proposals represent an ongoing erosion of the countryside around Little Dunmow moving towards urbanisation.

The historic identity of Little Dunmow will be lost.

The proposals will set a precedent for other similar developments.

The density and placement of the proposals is out of character.

Unsustainable – The proposals are not located in a sustainable location in relation to local amenities and services. The bus service is not regular and existing and proposed footways are not safe.

Countryside Park – The proposed open space area is not necessary.

The Flitch Way – The proposals would add to the further pressure upon the Flitch Way.

Flooding/Drainage – The proposals would amount to increase flooding of Station Road and the surrounding area.

Pollution – The proposals would cause noise, air and light pollution in a semi rural environment.

Amenity – The proposals would be detrimental to the amenity of adjoining occupiers by way of loss of privacy, side and disturbance and visual blight.

Biodiversity – The proposals would harm local wildlife species and their habitats.

Heritage – The proposals would result in harm upon the nearby listed buildings and Little Dunmow Conservation area.

11.4 Comment

11.4.1 The above concerns have been fully assessed in detail within the main assessment of this 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

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)

12.4.2 **Uttlesford Local Plan (2005)** – Provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.

13 POLICY

13.1 Relevant development plan policies and material considerations:

13.2 S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Interest
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV11 – Noise Generators
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H9 – Affordable Housing
H10 – Housing Mix

13.3 **Supplementary Planning Document or Guidance**

- 13.4 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)

13.5 National Policies

- 13.7 **The National Planning Policy Framework** (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Principle of Development**
 - B) Suitability and Location**
 - C) Countryside Impact**
 - D) Character and Design**
 - E) Heritage**
 - F) Archaeological**
 - G) Loss of Agricultural Land**
 - H) Housing Mix and Tenure**
 - I) Neighbouring Amenity**
 - J) Parking and Access**
 - K) Landscaping, Open Space**
 - L) Nature Conservation**
 - M) Contamination**
 - N) Flooding**
 - O) Planning Obligations**
 - P) Other Issues**

14.3 A) Principle of Development

- 14.3.1 The application site is located outside the development limits of Little Dunmow and Flitch Green within open countryside and is therefore located within the Countryside where policy S7 applies.

- 14.3.2 This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not

considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

14.3.3 The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

14.3.4 Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

14.3.5 The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.4 B) Suitability and Location

14.4.1 The Applicant submits that the proposals would represent a sustainable form of development. The villages of Little Dunmow and Flitch Green are identified within the Local Plan settlement hierarchy as being "Other Villages" where it is recognised that there is some limited potential for future development within their settlement boundary or on previously developed land.

14.4.2 Although outside the settlement boundaries of the village of Flitch Green, the new built form would be constructed adjacent to the northern edge of the village and therefore to a limited extent, the proposals provide a logical relationship with the existing village.

14.4.3 The villages of Little Dunmow and Flitch Green between them have a limited number of local services and amenities that are within walking/cycling distance from the application site. This is also confirmed with the lead local highway consultation response who suggested that the location of the site is such that access to facilities, employment and leisure opportunities is limited and the speed limit of 40mph on the road makes cycling less attractive. The highway authority confirm that most journeys and the only practical option will be for residents to use a motor vehicle.

14.4.4 Local facilities include a primary school, village hall, supermarket, public house, playing fields and cultural and religious buildings. The larger village of Felsted and the town of Great Dunmow are located approximately 1.7 and 3.8km retrospectively are a 5 min drive where other larger amenities can be found.

- 14.4.5** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus) links. A regular bus service runs along Station Road connecting the site to the nearby towns of Great Dunmow, Braintree, Chelmsford and further beyond. Full details of the site's accessibility are provided within the supporting Transport Assessment.
- 14.4.6** During the assessment of the appeal application ref: APP/C1570/W/19/3228069 which abuts the northern boundary of the application site, the Inspector concluded that the construction of 18 dwellings would not be unreasonable in respect to its location when one takes into account the sites proximity to local serves and facilities. Within their decision, the Inspector concluded:
- 14.4.7** *Future residents of the appeal scheme would be within walking distance of some facilities and a bus route passes the site. Thus, the occupants of the dwellings need not be reliant on private motorised transport.*
- 14.4.8** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Little Dunmow and Flitch Green.
- 14.4.9** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.10** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.
- 14.4.11** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

- 14.4.12** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.
- 14.4.13** The creation of a new 100sqm building is also proposed as an office hub to provide local workplace, enable remote working and to help reduce the need future occupiers to travel to work. This will provide some limited benefits in context to the above.
- 14.4.14** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Little Dunmow and Flitch Green does not have any doctors or dentists within the village, although it is noted that these services are provided in Felsted and Great Dunmow. The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees, and these could be secured by way of s106 Legal obligation.
- 14.4.15** For all of the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

14.5 C) Countryside Impact

- 14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.5.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.3** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.
- 14.5.4** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the

preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

- 14.5.5** The application site lies within the character area known as Felsted Farmland Plateau. The Felsted Farmland Plateau extends from the A120 in the north to Black Notley in the east, Chatham Green in the south and Felsted in the west. The farmland is gently undulating with a patchwork of irregular medium to large fields. Their boundaries are enclosed by either thick but intermittent hedgerows, or just marked by grassy banks and ditches. In long views scattered small woods and copses and hedgerow trees coalesce to sometimes create the illusion of a wooded horizon. The area is fairly densely populated with villages straggling along the roads to coalesce with each other. The farmsteads also form clusters of buildings. Interest and variety is added to the area through the presence of local vernacular buildings with colour washed walls and red tiled or thatched roofs.
- 14.5.6** The assessment describes that the key characteristics that are sensitive to change are the landscape elements within that include many small woodlands, copses and hedgerow trees. It also acknowledges that the comprehensive network of quiet rural lanes and byways, which cross the landscape are sensitive to potential increased traffic flow, associated with new development. It concludes that overall, this character area has low – to moderate sensitivity to change.
- 14.5.7** Overall, the site is representative of the local landscape character and characteristics as identified in the Uttlesford Landscape Character Assessment. The landscape fabric of the site can be described as a medium to large arable field containing a pocket of Woodland called 'The Moors' along with an area of grassland across the southern-western corner. Mature hedgerows are located along the northern and western boundaries and the Flitch Way woodland corridor abuts the southern boundary. A PRow crosses the site within the south west linking the Flitch Way extending to Little Dunmow.
- 14.5.8** Although it is acknowledged that the site comprises of arable land and is rather undulating in respect to its topography, it is set within pockets of settlement, woodlands and linear tree belts which to some extent help to enclose the site and thereby reducing the perceived sense of being in the open landscape.
- 14.5.9** The site is mostly screened in views from the south and west by the Flitch Way. Users of the Flitch Way will experience glimpsed views of the site through gaps and patches of the existing vegetation lining the route. From the north and east, the site is visible within a number of views from adjacent fields, residential dwelling and along Station Road.

- 14.5.10** It is acknowledged that the proposal introducing up to 160 dwelling alongside associated infrastructure will bring change to the visual aspects and character of the site change.
- 14.5.11** However, the application proposals will in part help to conserve and seek to protect and enhance where possible positive feature that are essential in contributing to local distinctiveness and sense of place through effective planning and positive land management measures. The proposals will also help to improve the integrity of the landscape, and reinforce its character, by introducing new and/or enhanced elements where distinctive features or characteristics are absent. For example, the proposals will:
- 14.5.12** Conserve and enhance the existing hedgerow pattern and strengthen through planting where appropriate to local landscape character.
Conserve and manage areas of semi-natural woodland as important landscape and nature conservation features.
Conserve and manage the ecological structure of hedges within the within the site and provide biodiversity net gains.
Established a wildflower meadow for much of the countryside park with further pockets of tree planting.
- 14.5.13** The proposed scheme is for up to 160 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality.
- 14.5.14** It is acknowledged that there are some open views over the existing countryside from the north and east. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the site and the topography. The location of the proposed open space has been focussed on a green corridor that wraps around the northern and western edges of the development envelope to retain the visual and physical gap between the proposed development and Little Dunmow. This also helps to some extent and limit merging of the villages of Little Dunmow and Flitch Green.
- 14.5.15** The proposed indicative layout presents generally a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site similar the adjoining new and existing residential development within the locality, and the allowance for visual separation and buffer zones from Station Road and The Flitch Way is such that the proposed development would not be a would be of a modest addition in respect to its prominence in the local area and the effect on the local landscape.

- 14.5.16** The development envelope of the built form would nestle into a largely contained and framed site next to existing housing and the established existing and new vegetation on the boundaries would help limited/reduce the visual influence beyond the site itself and its immediate setting.
- 14.5.17** The proposed indicative layout will preserve and enhance the existing boundaries through the retention of the existing trees and hedgerows along all boundaries and would provide a detailed landscape scheme of proposed enhancements where required to fill in missing gaps. This seeks to protect important landscape elements for nature conservation and provide additional soft screening along the boundaries of the site. The application sites boundaries will, therefore, provide modest containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.
- 14.5.18** In outlying views from the countryside from the north and east and from public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Flich Green resulting in only a modest level of visual effect.
- 14.5.19** It could be considered that that tranquillity nature of the site has been slightly diminished by the existing and soon to be built modern residential developments that abuts the sites north and eastern boundaries. The surrounding urban context present along the site boundaries could be considered as a landscape detractor limiting the overall open sensitivity of the site and thereby that the proposals could be regarded as not being at odds or uncharacteristic in this locality.
- 14.5.20** It is considered that the most significant level of effect is from the north and east of the site, which is considered to be moderate to high, whilst views from the south are considered to be low to medium.
- 14.5.21** The development proposal would have a modest visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.6 D) Character and Design

- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high

quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

- 14.6.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The density of the site would be between 25-40 dwellings/hectare and there would be a mixture of housing types.
- 14.6.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.
- 14.6.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.
- 14.6.5** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi-rural locations.
- 14.6.6** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height and materials and that these will be set out across three different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene.
- 14.6.7** The applicant has provided a 'Design Code' document which provides guidance and outlines measures of high level design coding and place making, including healthy lifestyles for future occupants to guide future reserve matters applications. A condition has been suggested in Section 17 of this report that any future reserve matters applications are to be guided by the measures outline in the 'design Code' to ensure an high quality design.
- 14.6.8** There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.

14.7 E) Heritage

14.7.1 Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.7.2 The application site lies within the setting of several heritage assets including:

Penash, grade two listed
Brights Cottage, grade two listed
The Cottage, grade two listed
Willow Cottage, grade two listed
Bayleys, grade two listed
Ivy House, Grade two listed
The Church of St Mary the Virgin, grade 1 listed
The Little Dunmow Conservation Area

14.7.3 Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.

14.7.4 The NPPF defines significance as '*the value of a heritage asset to this and future generations because of its heritage interest*'. *Such interest may be archaeological, architectural, artistic or historic*'.

14.7.5 The 'Setting of a heritage asset' is defined as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'

14.7.6 Paragraph 200 states that any harm to, 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.

14.7.7 Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should

be weighed against the public benefits of a proposal, including securing its optimum viable use.

- 14.7.8** To minimise the impact on setting of the listed buildings set along the north-western corner, a large area of open space has been proposed free of any built form and additional soft landscaping is to be planted to help soften and screened the proposed built form. The western edge of the development area is located approximately 180m from the nearest listed building at Willow Cottage. This area is directly between the listed buildings and the new residential section of the site.
- 14.7.9** The application was formally consulted to Place Services conservation officer who confirmed that they have concerns with the proposals. They stated that they are concerned with the cumulative impact of recent development within the setting of 'Brights Cottage', 'The Cottage', and 'Willow Cottage, and although there is open space separating the development which is positive, and a robust landscaping strategy is proposed, further additional built form would amount to less than substantial harm. Although this harm has been reviewed as being at the lower to medium end of the spectrum.
- 14.7.10** Place Services concluded that the proposals would fail to preserve the special interest of the above listed buildings, through the change in their setting and confirms that paragraph 202 of the Framework is relevant.
- 14.7.11** An important material considered to take into consideration are the comments made by the Inspector when assessing Appeal ref: APP/C1570/W/19/3228069 which sought outline permission for the construction of 18 dwellings on the land known as Land at Pound Hill, Little Dunmow, Essex. This appeal site abuts the northern boundary of the application site and lies directly to the east of the above listed buildings.
- 14.7.12** *The appeal site is within the setting of a group of listed buildings to the west. These are vernacular cottages intrinsically linked with the rural landscape. The appeal scheme would urbanise this setting, but an adequate buffer could be retained if the western extent is left undeveloped in the way indicated on the indicative layout. As such, the proposal would preserve the setting of the listed buildings. Similarly, the proposal is sufficiently far enough away from the Little Dunmow Conservation Area to ensure its character and appearance would be preserved.*
- 14.7.13** It is considered that material weight needs to be applied to the Inspectors comments above as they concluded that the proposals would preserve the setting of the listed buildings. The built form of the application proposals is significantly setback from that of the built form allowed under the above appeal appealed in which the Inspector concluded to be appropriate.

- 14.7.14** It has been found that the proposals will result in a low to medium impact of 'less than substantial harm' to the setting and significance of the grade two listed buildings of 'Brights Cottage', 'The Cottage' and 'Willow Cottage' as identified by Place Services conservation officer. As such, and as per the requirements of paragraph 202 of the Framework, the decision maker needs to weigh the identified harm against the public benefits of a proposal.
- 14.7.15** It is recognised that the proposals would result in up to 160 additional dwelling houses including the provision of 40% affordable units in a time where the Council are in need of housing which can be regarded to be of significant weight in respect to public benefits. It will also provide additional employment opportunities with the addition of an office hub building.
- 14.7.16** It is concluded that this significant benefit would overcome the identified harm upon the heritage asset identified as above. The proposals thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.

14.8 F) Archaeological

- 14.8.1** In accordance with policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.8.2** The application is supported by a Historic Environmental Desk-Based Assessment and a Geophysical Survey Report. With respect to archaeology, the reports confirm that the site does not contain any known designed and non-designated archaeological assets and that based on the proximity to known archaeological sites, the site has a moderate to high potential for Iron Age/Roman remains and a low potential for all other past periods.
- 14.8.3** The applicant has advised that they are willing to agree, if necessary, a scheme of archaeological investigation including trial trenching prior to works commencing on site to be secured by means of a planning condition.
- 14.8.4** To secure the necessary archaeological evaluation as required above, suitable planning conditions as per those recommended by the County's archaeological shall be imposed. The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4.

14.9 G) Loss of Agricultural Land

- 14.9.1** Paragraph 174(b) of the Framework states “Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.
- 14.9.2** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.9.3** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.
- 14.9.4** Most of the land in Uttlesford District Council is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.
- 14.9.5** Defra’s mapping indicates that the application site is within Grade 2 and 3, and thus the proposed site is best and most versatile land.
- 14.9.6** There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.
- 14.9.7** The application site represents a comparatively small amount of agricultural land being approximately 14 hectares in size. It is part of a much larger agricultural unit however it is not integral to the operation of that unit. The application was consulted to Natural England who confirmed that they had no comments to make in respect to the proposals. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

14.10 H) Housing mix and Tenure

- 14.10.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council’s approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes,

including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 14.10.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 160 properties. This amounts to up to 64 affordable housing properties. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.
- 14.10.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 14.10.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of dwellings, no accommodation schedule has been provided. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the applicant refers to the above accommodate needs.
- 14.10.5** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 9 bungalows across the whole site delivered as 4 affordable properties and 5 for open market. The applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix.

14.11 I) Neighbouring Amenity

- 14.11.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.11.2** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.11.3 However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.

14.12 J) Parking and Access

14.12.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.12.2 Access forms part of merits of this application and is not reserved. The site will be accessed off Station Road via a new priority junction which will serve as the main ingress point to enter and leave the site for vehicles and pedestrians.

14.12.3 This is an outline application and therefore the internal road layout and further details will also be provided as part of the Reserved Matters. The applicant states that it is the intention that the internal layout will be designed in accordance with ECC's requirements.

14.12.4 The proposals are to provide a new footway on the western side of Station Road leading from the new vehicle access and connecting with the existing footpath provision on Station Road. Further pedestrian connections are proposed to the south of the site connecting onto the public rights of way which then lead onto the Flitch Way.

14.12.5 The application was consulted to the lead local highway authority who confirmed that they have reviewed all the supporting documentation including the submitted Transport Assessment and undertaken a site inspection.

14.12.6 The highway authority confirmed that they have considered all aspects in relation to highways including, access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The highway authority concluded that they were satisfied that with the proposed mitigation the cumulative, residual impact on the highway network will not be sever.

14.12.7 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions. The highway mitigation focusses on promoting sustainable transport with a travel plan supported by contributions to improve local bus services, enhancement of existing bus stops, lighting, and signage. Several connections for walking and cycling are proposed as part of the scheme and conditions are suggested to protect the Flitch Way and

existing public rights of way. In addition, it is suggested that a Flitch Way contribution of £206,720.00 should be paid to provide appropriate surfacing and drainage, signage, and information boards from this section of the Flitch in the vicinity of the site and to provide a contribution to the design implementation of a bridge (known as Cherry Garden Bridge) to help improve walking and cycling connections. Full details of the suggested conditions are within Section 17 of this report.

- 14.12.8** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.12.9** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.12.10** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.12.11** The applicant states that the proposals will include the provision of electric vehicle charging infrastructure for each residential unit.
- 14.12.12** The proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.13 K) Landscaping, open space

- 14.13.1** Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.
- 14.13.2** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development

with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. It is suggested that a high-quality landscape plan be supported in support of the proposals.

- 14.13.3** It is understood that the proposals would include where possible the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm in order to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.
- 14.13.4** The supporting Arboriculture Impact Assessment confirms that the only removal will be of low-quality scrub and hedgerows, although a single category B English Oak will be required to be removed to accommodate for the new access. No objections have been raised to removal of this vegetation by the Council's landscape officer.
- 14.13.5** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.
- 14.13.6** The proposed development includes the provision of a new country park covering approximately 60% or 8.4 hectares of the total site area. The country park is to be located to the north and west of the site and it will include allotments, a community orchard and a play area. The applicant confirms that the existing wood within the western portion of the site will be retained with additional woodland provided to the south west to create additional wildlife habitats.
- 14.13.7** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. Play areas must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained.
- 14.13.8** It is acknowledged that Local Equipped Area of Play (LEAP) is to be form part of the proposals with the potential of a natural play areas and a trim trail within the opens space areas. Although the size of these areas is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future formal and informal play areas should accord with the guidance set out in the 'Fields of Trust'.

14.13.9 The provision of land as allotments is proposed as part of the scheme to the western part of the site within the open space area. Details of the layout of the allotments have not been confirmed but there should be a mixture of plot sizes, with watering points spaced at 25m apart at the key junction points of the allotment paths. A hedgerow or security fencing in the form of a dark green weld-mesh fence 1500mm high should bound the allotments providing adequate security. In addition, suitable entrance points to allow access for delivery vehicles and for disabled access and a parking area with up to 5 parking spaces should be included to meet the needs of all users.

14.14 L) Nature Conservation (GEN7 and the NPPF)

14.14.1 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

14.14.2 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is reasonably close to at Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). 'The Flitch Way' is also a designated Country Wildlife Site.

14.14.3 Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

14.14.4 The ecologist noted that the applicant's submission which states that the proposed scheme will contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution. In accordance with the National Trust requirements, a sum of £27,000.00 towards ongoing work to mitigate recreation impacts is to be provided. The financial contribution will be secured by a S106 legal agreement to help avoid and mitigate impacts on Hatfield Forest NNR/SSSI.

14.14.5 Place Services ecologist also confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

14.15 M) Contamination

14.15.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority by way of a Phase 1 Assessment.

14.16 N) Flooding & Drainage

14.16.1 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

14.16.2 A check of the Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1.

14.16.3 New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.16.4 In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development incorporates a sustainable drainage system including a large attenuation pond to the south of the site. In order to prevent flooding, both on and off-site attenuation and controlled discharged will be utilised to control surface water flows. These features will be designed to store the volume of water associated with a 1 in 100 year rainfall event, plus an additional allowance to account for increase rainfall due to climate change.

14.16.5 Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.

14.16.6 The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

14.17 O) Planning Obligations

14.17.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

14.17.2 Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £20,508.00 per place Total contribution = **£248,659.20**)

Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £17,268.00 per place (Total contribution = **£828,864.00**)

Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £20,508.00 per place total contribution = **£760,800.00**)

Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, allotments, a community orchard, play areas and trim trail. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.

Libraries contributions: if required the provision of an appropriate contributions towards library facilities as agreed with the County Council. Financial contribution of £77.80 per unit, Total contribution = **£12,448.00**)

Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£92,545.00**).

Hatfield Forest: if required the provision of an appropriate per dwelling contribution towards botanical and visitor monitoring and mitigation works at Hatfield Forest. Financial contribution = **£27,000.00**)

Bus stops: Prior to any occupation the enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N shall comprise of (but not limited to) the following facilities: shelters, seating, raised kerbs, bus stop markings, pole, flag and timetable information.

A financial contribution of **£416,000.00** to fund improvements to enhance bus services between the development and local amenities and/or key towns to improve frequency, quality and geographic cover of bus routes serving the site.

A financial contribution of **£86,720.00** towards improvements of 'The Flitch Way' to provide appropriate surfacing and drainage, signage, and information boards.

A financial contribution of **£120,000.00** towards Improvements to Cherry Garden Bridge, Great Dunmow

Residential Travel Plans. The residential travel plan shall be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of **£1596.00** per annum (index linked), to be paid to Essex County Council.

Affordable Housing: 40% affordable housing (split across the affordable rent, intermediate tenures and first homes)

Provision of 9 residential bungalows, (4 affordable, 9 market units)

The provision of an on-site building to contain an office hub (100 square meters floor area) and its future management.

Payment of the council's reasonable legal costs. Payment of monitoring fee.

14.18 P) Other Issues

14.18.1 Energy and Sustainability

14.18.2 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

14.18.3 The applicant states that the proposed dwellings would be built to meet the 2025 Future Homes Standards, delivering net zero ready homes which reduce carbon emissions by at least 75% beyond current regulations. Furthermore, it is suggested that the buildings would be designed to make use of sustainable materials to reduce the environmental impact of construction and waste minimisation strategies would be employed throughout the construction.

14.18.4 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings. The applicant states that this will be achieved through a combine fabric, energy efficiency and low carbon renewable energy approach such as; triple glazed windows, heat recovery systems, provision of solar PV on all homes and air source heat pumps,

14.18.5 It is suggested that a condition be imposed if outline permission is approved that the development be constructed in accordance with the

supporting Sustainability and Energy Statement prepared by Turley November 2021 to ensure that the development meets the set targets contained in the Uttlesford Interim Climate Change Policy (2021).

14.18.6 The above commitments by the Applicant meet the Council's corporate Interim Climate Change Planning Policy (2021) and are significantly in excess of the measures that can be secured by adopted local planning policy.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. PLANNING BALANCE AND CONCLUSION

16.1 With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby they still carry reasonable weight.
- 16.3** In respect to addressing the benefits of the proposed development, the provision of up to 160 dwellings including 64 of these being affordable housing would represent a significant boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. Furthermore, a new building to be used as an office hub to provide local workspace and enable remote working and reduce the need for residents to travel to work.
- 16.4** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.
- 16.5** The applicant has committed to a Carbon Reduction, that will include energy efficient dwellings built to meet the 2025 future home standards which will reduce carbon emissions by at least 75% beyond current regulations. These commitments by the Applicant meet and are excessive to the Council's corporate Interim Climate Change Planning Policy (2021).
- 16.6** The provision of approximately 8.4ha of new public open space would be delivered that would include space for play areas, allotments and a community orchard space.
- 16.7** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.8** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects.
- 16.9** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of three listed buildings. This harm has been found to be at the lower to medium end of the spectrum of 'less than substantial harm' and therefore paragraph 202 of the NPPF is engaged.

- 16.10** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.11** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.12** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.13** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- i. Payment of education financial contributions; Early Years, Primary and Secondary Schools
- ii. Libraries' contribution
- iii. Financial contribution for Health contributions
- iv. Provision of 40% affordable housing
- v. Provision and long-term on-going maintenance of public open space (including play areas, trim trial, community allotments and orchard)
- vi. Financial contribution to mitigate on impact of Hatfield Forest
- vii. Highways obligations and associated financial contributions
- viii. Monitoring cost

17.2 Conditions

- 1** Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4** The development shall be carried out in accordance with the following approved plans: Site Location Plan Dwg Ref: 07a & Proposed Site Access Dwg Ref: 22268-04 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality, street scene and highway safety in accordance with Policies S7, GEN1, GEN2 of the Adopted Local Plan and the NPPF.

- 5** The location of the built development shall be carried out in general accordance with the Development Framework Plan Dwg Ref: 3501H unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and street scene in accordance with Policies S7, GEN2 of the Adopted Local Plan and the NPPF.

- 6** The development hereby approved shall be constructed in accordance with the details as set out within the 'Design Code' (February 2022) prepared by Catesby Estates Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a high-quality development and place making is achieved when applications for reserve matters are submitted in accordance with Policy GEN2 of the Adopted Local Plan and the NPPF.

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

- Verification of the suitability of infiltration of surface water for the development. We would expect to see further testing undertaken in winter to reflect the most conservative management. This should be based on detailed 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. Designing for infiltration should also take into consideration ground water levels.
- Where infiltration is not viable, the scheme should be limited discharging rates to 12.12l/s for all storm events up to and including 1 in 100 year rate plus 40% allowance for climate change. All relevant permission 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 calculation for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in Chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

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

Reason: 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 in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 9** 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 in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. 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.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 11** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) the parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- m) M) routing strategy for construction vehicles

All works shall be carried out in accordance with the approved CEMP thereafter.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

- 12** No development approved by this permission shall take place until the following has been submitted to an approved in writing by the Local Planning Authority:

A Phase 2 Site Investigation based on the findings of the Phase 1 Desk Assessment.

A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS 10175:2011 or other appropriate guidance issued by regulatory authorities. The work shall be sufficient to ensure that measure will be taken to mitigate any risks to human health, groundwater and the wider environment.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 13** A detailed scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic submitted to an approved in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environment 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 2300

Resting – Living Room 35db

Dining – Dining room/area 40db

Sleeping/Daytime Resting – Bedroom 35db

23:00 to 07:00

Sleeping/Nigh time Bedroom 35db

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

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

REASON: To ensure future occupiers enjoy a good acoustic environment in accordance with Policy ENV10 of the Adopted Local Plan which requires appropriate noise mitigation and sound proofing to noise sensitive developments.

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

This may include the appointment of an appropriately competent person e.g. an ecological clerk or 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 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 GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 15** A Biodiversity Net Gain Design State Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to an approved in writing by the Local Planning Authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain Report should include the following:

- a) Baseline data collection and assessment of current conditions on site.
- b) A commitment to measure in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
- c) Provision of the full BNG calculations, with detailed justification for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality.

- d) Details of any off-site provision to be secured by a planning obligation
- e) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF (2021) and in accordance with Policy GEN7 of the Adopted Local Plan.

16 A Skylark Mitigation Strategy shall be submitted to and approved by the Local Planning Authority to compensate the loss of any Skylark territories. The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark plots.
- b) Detailed methodology for Skylark plots following Agri-Environment Scheme option.
- c) Locations of the Skylark plots by appropriate maps/or plans.
- d) Persons responsible for implementing the compensation measure.

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

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

17 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.

- h) Details of initial aftercare and long-term maintenance of Receptor area(s).
- i) Details of monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

18 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Persons responsible for implementing the enhancement measures;
- f) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

- 20** 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)

- 21** 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;

- the parking of vehicles of site operatives and visitors,

- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- routing strategy for construction vehicles
- before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22** Prior to occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing Proposed Site Access Dwg Ref: 22268-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 23** Prior to the first occupation of the development, the pedestrian/cycle access of minimum effective width of 3.5m as shown in principle in drawing number 22268-04-02, including a clear ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To provide connectivity and ensure that pedestrians and cyclists can entre and leave the existing public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 24** Prior to the first occupation, the following infrastructure shall be provided. All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to

facilitate widening and traffic regulation orders to be carried out entirely at the developer's expense.

- a) A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For avoidance of doubt, such footway to include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority.
- b) Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N which shall comprise (but not limited to) the following facilities; shelter, seating, raised kerbs, bus stop markings, poles and flag type signs, timetable casings.
- c) Provision of a scheme to improve the safety of pedestrian and cyclists on Station Road including signage and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road.
- d) Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number Ref: 22268-04.

REASON: In the interests of highway safety, reducing the need to travel by car, and promoting sustainable development and transport in accordance with policies DM9 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 25** Prior to the first occupation, the developer shall provide pedestrian and cycle accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the Local Planning Authority in conjunction with Essex County Council.

REASON: To provide controlled access to the Flitch Way and improve accessibility of the site by walking and cycling and to protect it from uncontrolled use and damage in accordance with Policies GEN1, GEN7 and ENV7 of the Adopted Local Plan and the National Planning Policy Framework.

- 26** The layout of the development will be such that no gardens back on to the Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development.

REASON: To protect the Flitch Way from uncontrolled use, littering and damage in accordance with Policies GEN1, GEN2, ENV7 and GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27** Prior to the occupation of the dwellings hereby approved, the treatment and surfacing of the Public Right of Ways (PRoW) within the site to be agreed with the Local Planning Authority. The agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route.

REASON: To protect the PRoW network within land under control of the applicant in accordance with GEN1, of the Adopted Local Plan and the National Planning Policy Framework.

- 28** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 29** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved scheme.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 30** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 26 and confirmed by the Local Planning Authority

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

32 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

33 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: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

34 Prior to the construction of the development hereby approved, a Bird Hazard Management Plan shall be submitted and approved by the Local Planning Authority. The Plan should include details of landscaping, especially open /public spaces and SuDS, and measures in how birdstrike avoidance is undertaken during both the construction period and in perpetuity.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

35 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 in accordance with the NPPF

36 No reflective materials to be used in the construction of the new buildings and 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 required.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the NPPF.

37 The proposed development hereby approved shall be constructed in accordance with the Sustainability and Energy Statement prepared by Turley (November 2021) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

Appendix 1 – Statutory Consultee Responses

ECC Highways

Your Ref: UTT/21/3596
Our Ref: HT/TPD /SD/KW/49889/4B
Date:- 30/05/2022



Essex County Council

Andrew Cook
Director for Highways and Transportation

CC: Cllr Martin Foley
Essex Highways DM

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN
Essex CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/21/3596/OP

Applicant Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes C/o
Armstrong Rigg Planning

Site Location Moors Fields Station Road Little Dunmow

Proposal Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings (REDUCED FROM 180 dwellings), a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure (AMENDED PLANS & ADDITIONAL INFORMATION INCLUDING reduction in units, increased open space & additional highway measures)

Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

It is noted that the location of the site is such that access to key facilities, employment and leisure opportunities is limited and the speed limit of 40mph on the road makes cycling less attractive (LTN1/20 recommends an off road facility for this speed of road) and for the vast majority of journeys the only practical option will be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

The potential impact of the trips generated by the proposal has been assessed and while there is some impact on the at the village centre and the junction with the B1256 this is not considered severe. The most appropriate mitigation is considered to be improving the walking, cycling and public transport links to the site.

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

1. 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.
- V. Routing strategy for construction vehicles
- VI. Protection of any public rights of way within or adjacent to the site
- VII. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

1. **Access** Prior to first occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing 22263-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. **Pedestrian and cycle access:** Prior to first occupation of the development, the pedestrian/cycle access of minimum effective width 3.5m as shown in principle in drawing number 22268-04-02, including a clear to ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. **Reason:** To provide connectivity and ensure that pedestrians and cyclists can enter and leave the highway with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. **Highway infrastructure:** Prior to first occupation the following infrastructure shall be provided All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense.

- 3.1. A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For the avoidance of doubt such footway to include full depth construction/reconstruction of any existing footway

and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority

- 3.2. Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle on drawing number 03/001/N which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
- 3.3. Provision of a scheme to improve the safety of pedestrians and cyclists on station road including signing and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road
- 3.4. Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number 22268-04-3.

Reason: In the interests of highway safety, reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

4. **Bus services** Prior to first occupation payment of a financial contribution of £416,000 (indexed from the 1st of April 2022) to fund improvements to enhance bus services between the development and local amenities and/or key towns such as Great Dunmow, and/or Chelmsford improving the frequency, quality and/or geographical cover of bus routes servicing the site. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
5. **Flitch Way contribution:** Prior to first occupation a sum £206,720 (indexed from the 1st of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site and to provide a contribution to the design and implementation of a bridge (known as Cherry Garden Bridge) and walking cycling connections to the Flitch Way to help provide a continuous off road route to Great Dunmow. **Reason:** to mitigate the increased use of the Flitch Way by the residents of the development and improve the accessibility of the site by walking and cycling
6. **Flitch Way Access:** Prior to first occupation the developer to provide pedestrian and cycling accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC. **Reason:** to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage.
7. **Flitch Way Protection:** The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development. **Reason:** to protect the Flitch Way from uncontrolled use, littering and damage
8. **Public Rights of Way:** Prior to commencement the treatment and surfacing of PROWs within the site to be agreed with the planning authority, the agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route and to be

implemented prior to occupation. Reason – protection of PROW network within land under control of the applicant

9. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
10. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1596 (index linked), to be paid to Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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.

Informatives:

- (i) OUT LINE ONLY In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) 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.
- (iii) 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. To be provided prior to the issue of the works licence.
- (iv) 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 SMO2 -

Highways England

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

 Signature:	Date: 4 April 2022
Name: Mark Norman	Position: Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to UTT/ 21/3311/OP and has been prepared by Mark Norman.

We have completed our review and concluded that this application is unlikely to have a severe impact upon the strategic road network. However, it is noted that there are several applications of similar size in the area and the cumulative impact may start to be noticed as the network is very close to capacity

Flooding Authority

Essex County Council
Development and Flood Risk
Environment and Climate Action,
C426 County Hall
Chelmsford
Essex CM1 1QH



William Allwood
Uttlesford District Council
Planning Services

Date: 25th Feb 2022
Our Ref: SUDS-005636
Your Ref: UTT/21/3311/OP

Dear William Allwood,

Consultation Response – UTT/21/3311/OP – Land West Of Garnetts Dunmow Road Takeley

Thank you for your email 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 for planning application UTT/21/3311/OP 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:

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any

marginal flooding is predicted then it should be directed away from the building using appropriate site grading.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

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 167 and paragraph 174 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.

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 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.

We also have the following advisory comments:

- 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>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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

Summary of Flood Risk Responsibilities for your Council

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

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Rohit Singh, Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk

Historic England



Historic England

Mr William Allwood
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582716

Our ref: **W:** P01445895

29 November 2021

Dear Mr Allwood

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND WEST OF GARNETTS, DUNMOW ROAD, TAKELEY, ESSEX
Application No. UTT/21/3311/OP**

Thank you for your letter of 10 November 2021 regarding the above application for outline planning permission with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure.

Further to our EIA Scoping Opinion response of July 2021 and having considered the documentation submitted with the application, we are satisfied that the setting of the grade I listed Holy Trinity Church has been appropriately addressed.

We do not wish to offer any other additional comments.

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Yours sincerely

Sheila Stones
Inspector of Historic Buildings and Areas
E-mail: Sheila.Stones@HistoricEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 682749
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Natural England

Date: 08 December 2021
Our ref: 374873
Your ref: UTT/21/3311/OP



William Allwood, c/o planning@uttlesford.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Allwood

Planning consultation: UTT/21/3311/OP Outline planning application with all matters reserved, for up to 155 dwellings, public open space, children's play area, land retained in agricultural use, landscaping and associated infrastructure.

Location: Land west of Garnetts, Dunmow Road, Takeley

Thank you for your consultation on the above dated 08 November 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zoi) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified Zoi for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured.

Further advice on mitigation

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zoi) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this Zoi. New residential housing within this Zoi therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the Zoi to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24th September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28th June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust.

We would take this opportunity to highlight your authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy ENV7 refers to the protection of the Natural Environment and designated sites. The policy states that "Development proposals that adversely affect areas of nationally important nature concerns, such as Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site or reserve...".

On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

SITE SPECIFIC ASSESSMENT

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

For areas of green infrastructure, we would generally advise that these should include elements, such as the following:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of >2.7 km and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/leaflets to householders to promote these areas for recreation
- Dog waste bins etc

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been developed. As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been identified, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

Natural England therefore advises that permission should not be granted until such time as these mitigation measures have been assessed and secured through the appropriate means. We would be happy to comment further as the need arises.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and your biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society) and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

This concludes Natural England's advice at this stage which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me at:
tessa.lambert@naturalengland.or.uk

Please consult us again once the information requested above, has been provided.

Yours sincerely

Tessa Lambert
Lead Advisor – Sustainable Development, West Anglia Team

Sports England

From: [Planning Central](#)
To: [Planning](#)
Subject: [External] UTT/21/3311/OP - Land West Of Garnetts Dunmow Road Takeley CM22 6RL
Date: 11 November 2021 09:25:17

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.

Yours sincerely,

Planning Administration Team

Planning.central@sportengland.org

ECC Infrastructure

Essex County Council
Planning and Development
CG05, County Hall
Chelmsford
Essex CM1 1QH



Uttlesford District Council
Old Hospital Building, London Road
Saffron Walden
Essex
CB11 4ER

Our ref: 49554
Your ref: UTT/21/3311/OP
Date: 05/02/2022

Dear Sir or Madam

Garnetts (west of), Takeley
Without Prejudice - UTT/21/3311

Thank you for providing details of the above planning application for up to 88 new homes. From the information I have received, I have assessed the application on the basis of 155 houses. Assuming all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 13.95 Early Years and Childcare (EY&C) places; 46.50 primary school, and 31.00 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

An additional 13.95 places would be provided at an estimated total cost of £240,888.60 at January 2020 prices. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £240,888.60, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

Primary Education:

The nearest primary school serving this development would be Roseacres Primary school, which has a Published Admission Number of 30 pupils per year. As at October 2021, the school was full in Reception with a total of 212 pupils on roll. Roseacres is grouped with Takeley Primary School for pupil place planning purposes (Uttlesford Group 08). Although Takeley Primary currently has some surplus capacity, it is anticipated that this will be taken by pupils from other housing developments that either have permission or are advanced in the planning process. Of particular relevance is Warish Hall Farm (UTT/21/1987), which is expected to generate around eight extra pupils per year and provide sufficient land to allow Roseacres Primary School to become a two form entry school.

The estimated cost of the project is £802,962.00 at January 2020 costs. This equates to £17,268.00 per place and so, based on demand generated by this proposal as set out

above, a developer contribution of £802,962.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School. Although the school is not currently full, there are already more Essex children for whom this is their closest option than there are places. The school has recently increased its Published Admission Number from 112 to 132 but our latest forecasts suggest that action may be required, around 2026, to add further capacity.

The estimated cost of the project is £737,025.00 at January 2020 costs. This equates to £23,775.00 per place and so, based on demand generated by this proposal as set out above, a developer contribution of £737,025.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

School Transport:

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Libraries:

Essex County Council may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of a local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £12,059.00 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of

surplus childcare, primary education, secondary education, and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

Yours faithfully

Elliott Moore
Infrastructure Planning Officer

Telephone 033301 39446
E-mail elliott.moore@essex.gov.uk

Our Ref: WECCG/UTT/21/3311/GR
Your Ref: UTT/21/3311/OP

Building 4
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Uttlesford District Council
Council Offices
London Road
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Essex
CB11 4ER

Tel: 01992 566140

9 February 2022

Dear Sir/Madam

Address: Land West Of Garnetts Dunmow Road Takeley

Proposal: Outline planning application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure

1.0 Introduction

- 1.1 Thank you for consulting West Essex Clinical Commissioning Group (CCG) on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of West Essex Clinical Commissioning Group (CCG), incorporating NHS England Midlands and East (East) (NHS England).

2.0 Existing Healthcare Position Proximate to the Planning Application Site

- 2.1 The proposed development is likely to have an impact on the service of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.
- 2.2 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

- 3.1 West Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development.

- 3.2 A Healthcare Impact Assessment has been prepared by West Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 388 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
The Eden Surgeries	10,165	621.92	9,070	-75.11
Total	10,165	621.92	9,070	-75.11

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
 2. Current Net Internal Area occupied by the Practice
 3. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 4. Based on existing weighted list size
- 4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.0 Healthcare Needs Arising From the Proposed Development

- 5.1 The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.
- 5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and ICS estates strategies, by way of extension, refurbishment

or reconfiguration for the benefit of the patients at the Eden Surgeries, a proportion of the cost of which would need to be met by the developer.

- 5.3 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals

	Additional Population Growth (155 dwellings)⁵	Additional floorspace required to meet growth (m²)⁶	Spare Capacity (NIA)⁷	Capital required to create additional floor space (£)⁸
The Eden Surgeries	388	26.61	-75.11	79,830
Total	388	26.61	-75.11	79,830

Notes:

5. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
 6. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 7. Existing capacity within premises as shown in Table 1
 8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost index, adjusted for professional fees, fit out and contingencies budget (£3,000/m²).
- 5.4 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£79,830**. Payment should be made before the development commences.
- 5.5 West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- 6.0 Conclusions**
- 6.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

- 6.3 Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.4 The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.
- 6.5 West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.
- 6.6 West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Yours faithfully



Geoff Roberts
Assistant Director - Estates and IT Development
West Essex Clinical Commissioning Group