



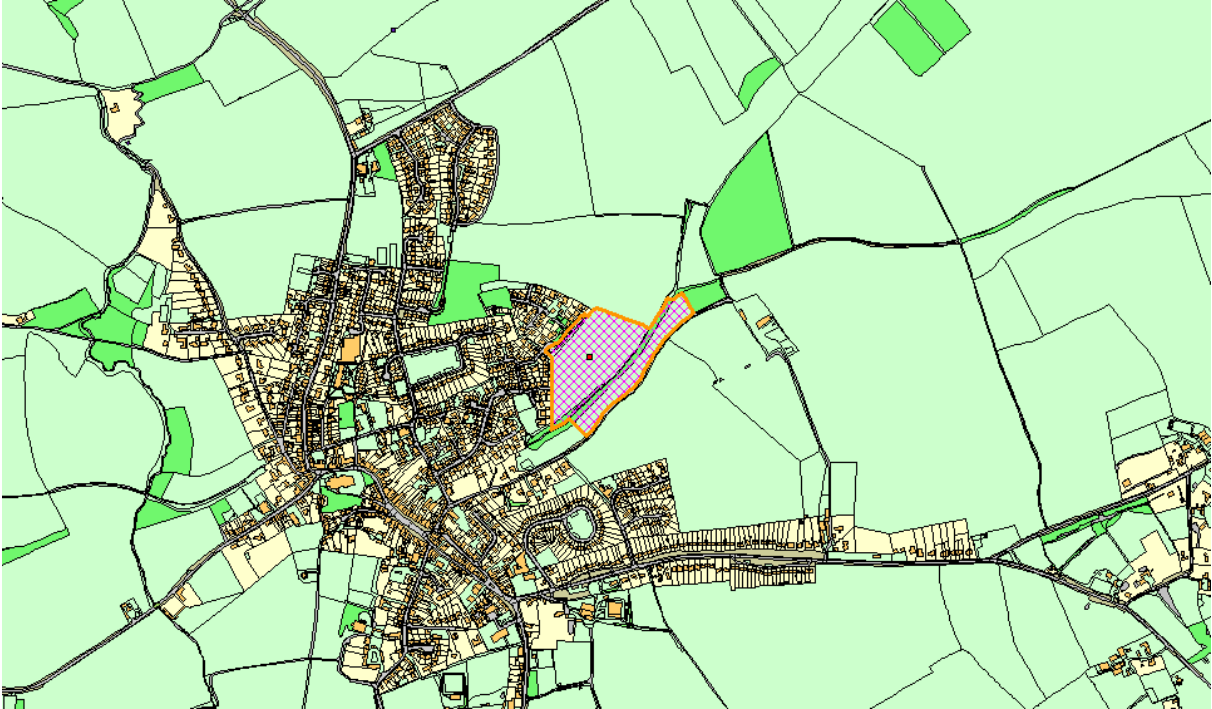
**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 26 October 2022

**REFERENCE NUMBER:** UTT/21/1836/OP

**LOCATION:** Land To the East of Wedow Road, Thaxted,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: October 2022**

**PROPOSAL:** Outline planning application with all matters reserved except access, for the development of the site for up to 49 residential dwellings, with vehicle access from Elers Way, associated infrastructure, sustainable drainage, public open space and linkages for pedestrians and cycle routes.

**APPLICANT:** Fiona Milden – Vistry Homes Limited

**AGENT:** Steven Butler - Bidwells

**EXPIRY DATE:** 03 September 2021

**EOT Expiry Date**

**CASE OFFICER:** Laurence Ackrill

**NOTATION:** Outside Development Limits; site within 2KM of SSSI; Tree Preservation Order & Public Rights of Way

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Planning Application

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## **1. EXECUTIVE SUMMARY**

**1.1** Outline planning permission is sought for the construction of up to 49 residential dwellings with access from Elers Way and associated infrastructure. All matters reserved apart from Access at the site known as 'Land to the East of Wedow Road, Thaxted, Essex'.

**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 5-year housing land supply and thereby paragraph 11 of the National Planning Policy Framework (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 significantly boost the Councils housing

supply including the provision of affordable housing. Furthermore, weight has been given in respect to the biodiversity net gain, improvements to transport infrastructure, on-site energy generation from low-carbon sources and the provision of a public open space. Thus, taken together, significant weight to the benefits of the development have been considered.

- 1.4 Therefore, and taken together, weight to the adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

## 2. **RECOMMENDATION**

- 2.1 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 -

- 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 Interim Director Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

- 2.2 In the event that members choose to make a decision contrary to the officer recommendation (that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the Council's delivery of housing over the last three years is substantially below its housing target and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

- 2.3 That, in the absence of the agreement referred to in resolution (2.1) above being completed within the time period provided for in resolution (2.2) above, the planning permission be refused for the following reasons:

1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, and Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005,

and the National Planning Policy Framework 2021.

### **3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site measures approximately 4.5ha and is located due east of Thaxted Village/Town Centre on the edge of the settlement.
- 3.2** 2.9 hectares of the Site is formed of a single parcel of arable farmland to the north of a stream running northeast to south-west through the application site known locally as “Crispey Brook” which is a minor tributary of the River Chelmer. The remaining 1.6 hectares of land is accessed via Copthall Lane and comprises a long narrow strip of open grassland between Crispey Brook and Copthall Lane. Walnut Tree Meadow to the south-west of the site is designated as a Local Green Space within the Thaxted Neighbourhood Plan, where there is a group Tree Preservation Order.
- 3.3** There are two public rights of way that run through the Site (ref nos. 49\_29 and 49\_30), one each side of Crispey Brook, between Thaxted and the open countryside to the north-east. There is an Important Woodland approximately 80m from the boundary of the site due north-east. This would be over 190m away from the development area, as set out by the submitted parameter plan.
- 3.4** The site is also located within the sensitive rural setting of Thaxted, as designated by the Thaxted Neighbourhood Plan 2019

### **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 49 dwellings and for the details of access to 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) are submitted to the Local Planning Authority for consideration.
- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which provide an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3** The site will be accessed off Elers Way via a new priority junction which will serve as the main access point to enter and leave the site for vehicles.
- 4.4** The height of residential development will generally be 2 and 2 ½ storeys, with a development density of 27 dwellings per hectare.
- 4.5** The applicant has suggested that the proposals would be made up of a

mix of housing types and forms. Up to 49 new dwellings are proposed, of which up to 20, or 40% of the total, are to be affordable housing units.

- 4.6 The applicant has indicated that there will be a formal Local Area for Play (LAP) located within the 'central space' within the scheme. There would also be opportunities to provide to the south of public access and unprogrammed areas of play within 'The Meadow' area of the site made up of 1.24 hectares (3 acres), as indicated on the submitted illustrative plan.

## 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 No relevant site history.

### *Adjoining Sites*

- 6.2 UTT/13/1170/OP - Outline application for residential development for up to 47 dwellings with access off Wedow Road - Land Off Wedow Road Thaxted Dunmow Essex – Refused – 06/08/2013 – Appeal Reference: APP/C1570/A/13/2206357 – Appeal Allowed – 22/05/2014.

## 7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- Pre-application meeting with UDC Officers – 25<sup>th</sup> November 2020.
- Presentation and discussion with Thaxted Parish Council – 22<sup>nd</sup> October 2020.
- Public consultation with letters sent to addresses within catchment area around the site with consultation website – 26<sup>th</sup> October 2020.
- Presentation to UDC Members – 11<sup>th</sup> January 2021.
- Essex Quality Review Panel – 8<sup>th</sup> February 2021.
- 2<sup>nd</sup> pre-application meeting with UDC Officers – 9<sup>th</sup> April 2021.

- 7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed within Section 6.0 the supporting Planning Statement.

## 8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Highway Authority – No Objection.**

**8.1.1** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority (subject to conditions and S106 agreement).

**8.2 The Health & Safety Executive (HSE) – No Objection.**

**8.2.1** The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore, at present HSE does not need to be consulted on any developments on this site.

**8.3 Local Flood Authority – No Objection.**

**8.3.1** 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 for planning application UTT/21/1836/OP. (Subject to conditions).

**9. Thaxted Parish Council Comments – Object.**

**9.1** Resolved to object on the grounds of loss of agricultural land, failing to comply with policy ENV5 of the Local Plan.

**9.2** The Thaxted Society also re-iterated the objections made by the Parish Council.

**10. INTERNAL CONSULTEE RESPONSES**

**10.1 UDC Housing Enabling Officer – No Objection.**

**10.1.1** The affordable housing provision on this site will attract the 40% policy requirement as the site is for 49 units. This amounts to 20 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers or via Community Led Housing such as a Community Land Trust.

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) as well as 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 2 bungalows across the whole site delivered as 1 affordable unit and 1 for open market.

**10.2 UDC Environmental Health – No Objection.**

**10.2.1** No objection to the application subject to consent conditions.

**10.3 UDC Landscape Officer/Arborist**

**10.3.1** No comments received.

**10.4 ECC Infrastructure – No Objection.**

**10.4.1** 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 49 dwellings:

Early Years Education: (Financial contribution of **£76,151.88**).

Primary Education: (Financial contribution of **£253,839.60**).

Secondary Education: (Financial contribution of **£232,995.00**).

**10.5 NHS – No Objection.**

**10.5.1** The Clinical Commissioning Group only respond to planning applications of 50 or more dwellings so would not be commenting on the site in this instance.

**10.6 NATS Safeguarding – No Objection.**

**10.6.1** National Air Traffic Service has no safeguarding objection to the proposal.

**10.7 Aerodrome Safeguarding – No Objection.**

**10.7.1** No aerodrome safeguarding objections to the proposal subject to conditions.

**10.8 Anglian Water – No objection.**

**10.8.1** Anglian Water have no objection to this application and do not require a planning condition.

**10.9 Crime Prevention Officer – No Objection.**

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

**10.10 Place Services (Archaeology) – No Objection.**

**10.10.1** Recommendation that an Archaeological Programme of Trial Trenching followed by Open Area Excavation, to be secured by way of conditions.

**10.11 Place Services (Ecology) – No Objection.**

**10.11.1** No objection subject to securing biodiversity mitigation and enhancement measures.

**10.12 Place Services (Conservation and Heritage) – No Objection.**



**10.12.1** Do not consider the development of the site for up to 49 dwellings to result in harm to the significance of the affected heritage assets.

## **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. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report.

- 345 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 247 Comments of objection received.

### **11.2 Summary of Objections**

**11.2.1** Neighbourhood Plan – The proposal would be contrary to the Thaxted Neighbourhood Plan as it is located outside development limits and would result in the loss of agricultural land.

**11.2.2** Infrastructure – The proposals will result in strain to existing services that are already overstretched such as doctors, and schools. The foul and sewage water infrastructure system are at capacity.

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

**11.2.4** Traffic/Highways – The submitted Transport information is inaccurate and not fit for purpose. 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 beyond Wedow Road is, narrow and will not be able to accommodate the increase intensification of construction vehicles and residential traffic. Roads have been left in poor condition from previous developments.

**11.2.5** Unsustainable – The proposals are not located in a sustainable location in relation to local amenities and services. There is poor transport links in the area and a lack of job opportunities. There is a lack of green space in the area and more sustainable locations for housing could be found elsewhere, including on brownfield sites.

**11.2.6** Flooding/Drainage – The proposals would amount to increase flooding along Copthall Lane, The Tanyard and the surrounding area.

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

- 11.2.8 Biodiversity – The proposals would harm local wildlife species and their habitats.
- 11.2.9 Heritage – The proposals would result in harm upon the nearby listed buildings and Thaxted Conservation Area.
- 11.2.10 Landscaping – The proposal would result in the loss of trees and landscaping.

### 11.3 **Summary of Comments**

- 11.3.1 Comments regarding the inclusion of enhancement measures for Swifts.

## 12. **MATERIAL CONSIDERATIONS**

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

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

(a) The provisions of the development plan, so far as material to the application,;

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

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

(c) any other material considerations.

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

### 12.4 **The Development Plan**

- 12.4.1 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 19 July 2022)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

S7 – The Countryside  
S8 – The Countryside Protection Zone  
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  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H1 – Housing development  
H9 – Affordable Housing  
H10 – Housing Mix

### **13.3 Thaxted Neighbourhood Plan**

TX HD10 – Design Principles  
TX HC1 – Heritage and Development  
TX LSC1 – Protection of the Countryside and rural setting of Thaxted  
TX LSC2 – Protection and Enhancement of the Landscape  
TX LSC 3 – Wildlife habitats and landscape features  
TX HD1 – Scale and Location of New Development  
TX HD2 – Local Housing Needs  
TX HD3 – Affordable Housing

TX IFS3 – Footpaths  
TX IFS4 – Surface Water Drainage  
TX IFS5 – Foul Water Drainage  
TX IFS8 – Broadband

#### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document - Accessible homes and play space homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

#### **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Countryside Impact**
  - C) Design & Neighbouring Amenity**
  - D) Heritage impacts and Archaeology**
  - E) Affordable Housing Mix and Tenure**
  - F) Access and Parking**
  - G) Nature Conservation & Trees**
  - H) Climate Change**
  - I) Contamination**
  - J) Flooding**
  - K) Planning Obligations**

#### **14.3 A) Principle of development**

##### Housing Delivery

**14.3.1** The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

**14.3.2** Policy TX HD2 – Local Housing Needs of the Thaxted Neighbourhood Plan highlights that residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom properties and single storey dwellings which accommodate the needs of the elderly.

**14.3.3** The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing and a significant proportion of one and two bedroom

units. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

#### Development Limits

- 14.3.4** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 14.3.5** The application site is located outside of the development limits and in the countryside. ULP policy S7 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.
- 14.3.6** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.3.7** 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 and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

#### Loss of Agricultural Land

- 14.3.8** Paragraph 174(b) of the Framework states “Planning policies and decisions 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’.
- 14.3.9** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

- 14.3.10** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise. This policy is also relevant in this case, as the ES records that all of the appeal site, with the exception of the access and access road up to the main part of the site, is Grade 2 agricultural land, thereby falling into the BMV category.
- 14.3.11** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.
- 14.3.12** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.
- 14.3.13** Given the above, the applicant has not provided an assessment of alternative sites of a poorer quality of agricultural category, there would be some conflict with ENV5. However, the loss of BMV land as part of the application, at 2.9ha, would be relatively small and such a loss can only be afforded very limited weight in relation to the conflict with this policy. 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.

#### Thaxted Neighbourhood Plan

- 14.3.14** The site is also located within the 'sensitive rural setting of Thaxted', as designated by the Thaxted Neighbourhood Plan, adopted 21 February 2019. Policy TX LSC1 of that document states that the countryside will be protected for its intrinsic character and beauty and for its value as productive agricultural land and for recreational use and biodiversity. Development in the sensitive rural setting of Thaxted should be connected with agricultural, rural recreation or affordable or special needs housing and respect key views.

**14.3.15** Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three-year supply of deliverable housing sites; and
- d) d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

**14.3.16** The Thaxted Neighbourhood Plan would be a material consideration. However, this is now more than two years old and as such the added protection of Paragraph 14 would not apply in respect to applications involving the provision of housing. It is therefore necessary to assess whether the application proposal is sustainable development.

#### Suitability and Location

**14.3.17** Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

**14.3.18** Thaxted is identified within the Local Plan settlement hierarchy as being "a Key Rural Settlement" where it is recognised that they are located on main transport networks as well as there being local employment opportunities. Local affordable housing and community facility needs may be met on "exception sites" outside development limits.

**14.3.19** Although outside the settlement boundaries of Thaxted, the new built form would be constructed adjacent to the eastern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

#### Policy Position

**14.3.20** The Council are currently unable to demonstrate a 5 YHLS and therefore paragraph 11 is fully engaged along with the "tilted balance"

in favour of the proposals.

- 14.3.21** 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.
- 14.3.22** 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.
- 14.3.23** However, taking into account the lack of 5 YHLS, when reviewed against the aforementioned policies, the proposal is on balance considered to be acceptable in principle.

#### **14.4 B) Countryside Impact**

- 14.4.1** 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.
- 14.4.2** 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.
- 14.4.3** 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'.
- 14.4.4** The application site lies within the character area known as the Thaxsted Farmland Plateau, which extends from Swards End at its northwest to Little Bardfield in the southeast, then through Thaxted down to Sucksted Green in the south.
- 14.4.5** Characterised broadly as gently undulating arable farmland, with irregular field patterns bounded by hedgerows that are often broken or gappy, and deciduous tree cover that gives distant structure to the landscape. The assessment describes that the key characteristics that are sensitive as being the landscape pattern of small patches of ancient woodland scattered across the landscape, which are sensitive to changes in land management. The open nature of the skyline of



higher, more exposed upper plateau levels is visually sensitive to new development, which may interrupt views across, to and from the plateau.

- 14.4.6** Although it is acknowledged that the site comprises of arable land, 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.
- 14.4.7** It is acknowledged that the proposal introducing up to 49 dwelling alongside associated infrastructure will bring change to the visual aspects and character of the site.
- 14.4.8** The site of the development is in the lower river valley, whereby the surrounding rising topography hides the proposals in views from the higher plateaus. The existing tree cover and hedgerow provide good screening. The substantial landscape buffer provided by the existing tree belt along Crispey Brook provides mitigation to effects on local landscape receptors.
- 14.4.9** 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 substantial landscape buffer provided by the existing tree belt along Crispey Brook is such that the proposed development would be of a modest addition in respect to its prominence in the local area and the effect on the local landscape.
- 14.4.10** 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 properties within the existing settlement of Thaxted.

## **14.5 C) Design & Neighbouring Amenity**

### Design

- 14.5.1** 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.

- 14.5.2** 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 height of residential development will generally be 2 and 2 ½ storeys, with the density of the site would be between approximately 27 dwellings/hectare and there would be a mixture of housing types.
- 14.5.3** 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.
- 14.5.4** 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.

#### Neighbouring Amenity

- 14.5.5** 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.
- 14.5.6** 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.
- 14.5.7** The submission includes an indicative parameter plan and layout of the site. This shows that the proposed built form would be 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 in terms of noise, outlook, daylight or privacy.

#### **14.6 D) Heritage impacts and Archaeology**

## Impact on the Conservation Area & Listed Buildings

- 14.6.1** 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.
- 14.6.2** The site is located to the east of Thaxted and the Conservation Area boundary which is located along Weaverhead Lane and up Copthall Lane to include Brooklyns Cottages. The development has the potential to affect several heritage assets, through change within their setting, including that of Thaxted Conservation Area. The other assets affected are:
- Brooklyn's Cottages, Grade II listed
  - Church of St John the Baptists, Grade I listed
  - Bridgefoot Cottages, non-designated heritage asset and
  - Brooklyns, Weaverhead Lane, non-designated heritage asset
- 14.6.3** 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'.
- 14.6.4** Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.6.5** Whilst the applicants submitted Heritage Assessment concluded that any harm caused by the scheme would be 'less than substantial' at the lower end of the scale, the application was formally consulted to Place Services Conservation Officer who raised no objection to the proposed development. Whilst there will fundamentally be an impact arising from the proposals, the proposal was not considered to result in harm to the significance of the potentially affected heritage assets. Any future Reserved Matters applications would have to carefully consider the appropriate mitigations measures for any impacts. A fully detailed landscaping plan should be submitted which ensures robust screening. As such, the proposals would thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.

## Archaeology

**14.6.6** 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.

**14.6.7** The application was formally consulted to Place Services Historic Environment Consultant that the proposed development lies within an area of known archaeological potential. A Desk Based Assessment has been undertaken by the applicant and has highlighted the potential for encountering these archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by way of conditions, as suggested by the Place Services Historic Environment Consultant.

**14.6.8** 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.

## **14.7 E) Affordable Housing Mix and Tenure**

**14.7.1** 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.

**14.7.2** 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 49 properties. This amounts to up to 20 affordable housing properties.

**14.7.3** 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)'.

- 14.7.4** 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-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. The applicant has provided an indicative accommodation mix at 1 bed units at 1%, 2 bed units at 24%, 3 bed units at 44%, 4 bed units at 28% & 5 bed units at 1%. Whilst this provision would not be strictly in accordance with the aforementioned policy, the accommodation mix would be subject to condition through the submission of a Site Wide Housing Mix Strategy to ensure that the most appropriate mix for the site is achieved.
- 14.7.5** 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 2 bungalows across the whole site delivered as 1 affordable unit and 1 for open market. The applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix.

## **14.8 F) Access and Parking**

### Access

- 14.8.1** 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.
- 14.8.2** Access forms part of merits of this application and is not reserved. The site will be accessed off Elers Way via a new priority junction which will serve as the main ingress point to enter and leave the site for vehicles. The proposed layout would provide multiple points of access to the development for pedestrians and cyclists, including the improvement of existing footpaths through the site.
- 14.8.3** 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.
- 14.8.4** The proposals are to provide a new footway on the western side of the site linking the development to Wedow Road and a footpath adjoining the vehicular access on to Elers Way. Further pedestrian connections are proposed with a north-south route through the site which links with the footpath to the south of the site, where to the south of the site

connecting onto the public rights of way which then lead onto connection to Copthall Lane and Walnut Tree Meadow.

- 14.8.5** The application was consulted to the lead local highway authority who confirmed that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the mitigation and conditions.
- 14.8.6** 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. An initial response was made to the application which required more work and information concerning the assessment of impact on the highway, the access, sustainable links and public rights of way.
- 14.8.7** While additional trips will be generated by the development the modelling of the local junctions showed that the impact on the highway would not cause any junctions to go over capacity. The access has been subject to a safety audit. The application also provides a walking and cycling route to the south which will provide a shorter route to the primary school and the south of Thaxted, the permeability of the site is also enhanced by a link for pedestrians and cyclists on to the east of the development. A contribution is required to mitigate the additional impact on the public rights of way network adjacent to the site.

#### Parking

- 14.8.8** 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'.
- 14.8.9** 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.
- 14.8.10** 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. The proposal would also include the provision of electric vehicle charging

infrastructure.

- 14.8.11** There is parking around the junction into of Wedow Road and Weaverhead Lane which could potentially interfere with the turning in and out of the junction therefore a contribution is required to undertake feasibility, design and implementation of an appropriate parking scheme.
- 14.8.12** Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

## **14.9 G) Nature Conservation & Trees**

### Nature Conservation

- 14.9.1** 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.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is within 2km of West Wood which is a Site of Special Scientific Interest (SSSI). The site is also within a reasonable distance of Hatfield Forest SSSI. However, as this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 14.9.3** 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.
- 14.9.4** The proposed reasonable biodiversity enhancements including permeable fencing for Hedgehog, installation of bird and bat boxes and the provision of Hedgehog hibernacula, bee bricks and log piles, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021) and is supported by the Place Services Ecologist.

### Trees

- 14.9.5** 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.

- 14.9.6** The Council's landscape officer has not provided comments on the proposal. However, the supporting Arboriculture Impact Assessment confirms that the only tree removals will be of low-quality of category C & U. It is noted that part of one group (G11) would need to be removed to facilitate access. Further details and assessment of tree removals, protection and replacement / mitigation measures would be a matter reserved for consideration at a later date.

#### **14.10 H) Climate Change**

- 14.10.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

- 14.10.2** The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. However, given the outline form of the application, the full details of such measures would be dealt with by way of condition / reserved matters stage.

#### **14.11 I) Contamination**

- 14.11.1** 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 Council's Environmental Health Officer has been consulted with in the application and has suggested that if permission is approved, conditions regarding 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, prior to any works commencing on site.

#### **14.12 J) Flooding**

- 14.12.1** 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.



- 14.12.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1.
- 14.12.3** 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.
- 14.12.4** 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.
- 14.12.5** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

#### **14.13 K) Planning Obligations**

- 14.13.1** 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 matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 14.13.2**
- 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 £76,151.88).
  - Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £253,839.60).
  - Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £232,995.00).
  - A financial contribution of £15,000 (index linked) to be paid to the highway authority for the processing and implementation of a Traffic Regulation Order to restrict parking in the area around the junction of Weaverhead Road and Wedow Road.
  - A financial contribution of £31350 (index linked) shall be paid the highway authority for works to the public rights of way 49/30 and

49/29 in the vicinity of the site, works to include but not be limited to signing, drainage, appropriate surfacing, renewal/repair of facilities on the route.

## **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 YHLS 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 carries limited weight.

**16.3** In respect to addressing the benefits of the proposed development, the provision of up to 49 dwellings including 20 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.

**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 provision of approximately 1.24ha of a new public open space would be delivered that would include space for play areas, alongside Crispey Brook, creating an additional area of recreation alongside Walnut Tree Meadow.

**16.6** 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.

**16.7** 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.

**16.8** 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.

**16.9** 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**

- 17.2**
- i. Provision of 40% affordable housing
  - ii. Provision of 5% wheelchair accessible and adaptable dwellings

(M4(3) – Building Regulations 2010

- iii. Payment of education financial contributions; Early Years, Primary and Secondary.
- iv. Provision and long-term on-going maintenance of public open space (including LAP).
- v. Financial contribution towards the implementation of sustainable highway improvements / restrictions.
- vi. Financial contribution towards maintenance / improvements to public rights of way (49/30 & 49/29).
- vii. Monitoring cost
- viii. Payment of the council's reasonable legal costs.

### **17.3 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: UDS60125-A3-P01, UDS60125-A3-P04, UDS60125-A3-P05, UDS60125-A3-P02B, 4312-GA-01 P01 & A.55, 257b 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** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

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

- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.
- 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.

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.

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

REASON: To ensure 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** Prior to the commencement of the development, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal (Aspect Ecology, August 2021) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

- 9** 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 and 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.

- 10** 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 Part 1 and confirmed by the Local Authority archaeological advisors.

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.

- 11** 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.

- 12** 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.

- 13** The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: 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.

- 14** a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes.

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and
- (ii) (The results from the application of an appropriate risk assessment methodology

c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b),

above; has been submitted to and approved by the Local Planning Authority

d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

The verification report shall include disposal records, waste transfer receipts etc, to ensure that all waste disposal is traceable.

e) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

**15**

Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:

- i. Demolition, construction and phasing programme.
- ii. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- iii. Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- iv. Delivery times for construction/demolition purposes shall be



carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.

- v. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- vi. Maximum noise mitigation levels for construction equipment, plant and vehicles.
- vii. Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
- viii. Prohibition of the burning of waste on site during demolition/construction.
- ix. Site lighting.
- x. Screening and hoarding details.
- xi. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- xii. Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- xiii. Prior notice and agreement procedures for works outside agreed limits.
- xiv. Complaints procedures, including complaints response procedures.
- xv. Membership of the Considerate Contractors Scheme.
- xvi. The development shall then be undertaken in accordance with the agreed plan

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.

**16**

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. The access to the site is through a residential development, the roads of which have not all yet been adopted as they have been recently built. The developer should liaise with the current owner and the highway authority to agree the methodology for and scope of a before and after condition survey to identify defects to highway

through residential area to the access to the site. The surveys shall be carried out and where necessary ensure repairs are undertaken at the developer expense where caused by developer's construction vehicles.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with policy 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.

- 17** Prior to the first commencement of the development, an Energy and Sustainability Statement shall be submitted to, and approved in writing by, the local authority. The measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

- 18** Prior to the first construction of the development, damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 19** No later than the submission of the first reserved matters application, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority.

REASON: To create a sustainable new community with a range of dwelling size, which contribute towards meeting need, in accordance with Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 20** Prior to occupation of the development, an access of 5.5m width with 2 x 2m footways as shown in principle on submitted drawing 4312-GA-01 P01 shall be provided. It shall include a structure over the drainage system and pedestrian protection, a level dwell area for vehicles and clear to ground visibility splays with dimensions of 2.4 metres by 27 metres to the north and 2.4m by 43 to the west, as measured from and

along the nearside edge of the carriageway. The access with associated vehicular visibility splays shall be 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, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 21** Details of a pedestrian/cycle route of minimum effective width of 2.5m to be provided between the site and Copthall Lane shall be submitted to, and approved in writing by, the local planning authority. The route shall be suitably surfaced and drained for the use of pedestrians and cyclists and include a bridge suitable for pedestrians and cyclists over the water course known as Crispey Brook, details to be agreed with the highway authority and the agreed scheme to be delivered prior to first occupation.

REASON: To provide pedestrian/cycle access between the site and the primary school in the interests of reducing the need to travel by car and promoting sustainable development and transport, 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.

- 22** Prior to first occupation a pedestrian cycle route of minimum effective width of 3m shall be provided on to Wedow Road as shown in principle on Figure 2 Access and circulation diagram of the Supplementary Planning Information (March 2022).

REASON: To provide a shorter pedestrian/cycle route to local amenities in the interests of reducing the need to travel by car and promoting sustainable development and transport, 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** A buffer strip of a minimum of 5m from the north-eastern edge of the PROW 49/30 shall be maintained free of planting and building.

REASON: to protect and maintain the integrity of the public right of way, in accordance with GEN1, of the Adopted Local Plan and the National Planning Policy Framework.

- 24** Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day

travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy 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.

- 25** 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 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.

- 26** 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 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.

- 27** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, August 2021) and the Confidential Appendix (Aspect Ecology, August 2021), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 28** Prior to the first occupation of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on

site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans 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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 29** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for motorised and non-motorised cycles, an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 30** The development shall be carried out so that, as a minimum the requirements of paragraph M4(2) (and were shown on the plans (M4(3)) of schedule 1 of the Building Regulations 2010 are satisfied.

REASON: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily wheelchair accessible and adaptable to meet the changing needs of occupants in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

## Appendix 1 – Statutory Consultee Responses

Your Ref: UTT/21/1836/OP  
Our Ref: HT/TPD /SD/KW/47627/4B  
Date:- 29/09/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Cllr Martin Foley  
Essex Highways DM  
Travel Planning

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/21/1836/OP

Applicant Vistry Homes

Site Location Land To The East Of Wedow Road Thaxted

Proposal Outline planning application with all matters reserved except access, for the development of the site for up to 49 residential dwellings, vehicle access from Elers Way, associated infrastructure, sustainable drainage, landscaping, public open space and linkages for pedestrians and cycles

### 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.

An initial response was made to the application which required more work and information concerning the assessment of impact on the highway, the access, sustainable links and public rights of way. While additional trips will be generated by the development the modelling of the local junctions showed that the impact on the highway would not cause any junctions to go over capacity. There is parking around the junction into of Wedow Road and Weaverhead Lane which could potentially interfere with the turning in and out of the junction therefore a contribution is required to undertake feasibility, design and implementation of an appropriate parking scheme. The access has been subject to a safety audit.

The application also provides a walking and cycling route to the south which will provide a shorter route to the primary school and the south of Thaxted, the permeability of the site is also enhanced by a link for pedestrians and cyclists on to the east of the development. A contribution is required to mitigate the additional impact on the public rights of way network adjacent 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. The access to the site is through a residential development, the roads of which have not all yet been adopted as they have been recently built. The developer should liaise with the current owner and the highway authority to agree the methodology for and scope of a before and after condition survey to identify defects to highway through residential area to the access to the site. The surveys shall be carried out and where necessary ensure repairs are undertaken at the developer expense where caused by developer's construction vehicles.

**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.

2. **Access:** Prior to occupation of the development, an access of 5.5m width with 2 x 2m footways as shown in principle on submitted drawing 4312-GA-01 P01 shall be provided. It shall include a structure over the drainage system and pedestrian protection, a level dwell area for vehicles and clear to ground visibility splays with dimensions of 2.4 metres by 27 metres to the north and 2.4m by 43 to the west, as measured from and along the nearside edge of the carriageway. The access with associated vehicular visibility splays shall be 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.
3. **Pedestrian/cycle access:** A pedestrian/cycle route of minimum **effective** width of 2.5m to be provided between the site and Copthall Lane. The route shall be suitably surfaced and drained for the use pedestrians and cyclists and include a bridge suitable for pedestrians and cyclists over the water course known as Crispey Brook, details to be agreed with the highway authority and the agreed scheme to be delivered prior to first occupation. **Reason:** To provide pedestrian/cycle access between the site and the primary school in the interests of 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. **Pedestrian and cycle access:** Prior to first occupation a pedestrian cycle route of minimum effective width of 3m shall be provided on to Wedow Road as shown in principle on on Figure 2 Access and circulation diagram of the Supplementary Planning Information (March 2022). **Reason:** To provide a shorter pedestrian/cycle route to

local amenities in the interests of 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

5. **Parking restrictions:** Prior to occupation a financial contribution of £15,000 (index linked) to be paid to the highway authority for the processing and implementation of a Traffic Regulation Order to restrict parking in the area around the junction of Weaverhead Road and Wedow Road. Reason: To remove conflict between parked vehicles and turning vehicles at the junction of the access the use of which will be intensified by the development 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.
6. **Public Rights of Way:** a buffer strip of a minimum of 5m from the north-eastern edge of the PROW 49/30 shall be maintained free of planting and building. Reason: to protect and maintain the integrity of the public right of way, in accordance with policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. **Public Rights of Way:** Prior to occupation a financial contribution of £31350 (index linked) shall be paid the highway authority for works to the public rights of way 49/30 and 49/29 in the vicinity of the site, works to include but not be limited to signing, drainage, appropriate surfacing, renewal/repair of facilities on the route. Reason: to protect and maintain the integrity of the public right of way by mitigating the additional footfall generated by the proposed development in accordance with policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
8. **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

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) 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) Any 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.
- (iii) In situations where structures (such as bridges or retaining walls) are required to support highway or land directly adjacent to the highway, their design,



construction or composition (in the case of embankments) should be agreed in advance with the Highway Authority.

- (iv) For the avoidance of doubt the highway authority will not adopt the proposed structure over the watercourse however as stated in (iii) technical approval must be sought from the highway authority as the structure will link and be adjacent to, two public rights of way.
- (v) 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](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (vi) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (vii) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk).

- (viii) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (ix) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (x) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public rights of way 49/29 and 49/30 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted

to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- (xi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.



pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

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



Chris Tyler  
Uttlesford District Council  
Planning Services

Date: 23<sup>rd</sup> May 2022  
Our Ref: SUDS-005329  
Your Ref: UTT/21/1836/OP

Dear Sir/Madam,

**Consultation Response –UTT/21/1836/OP– Land To The East Of Wedow Road  
Thaxted Essex**

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 15<sup>th</sup> 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/21/1836/OP based on the following:

**Condition 1**

No works except demolition shall takes 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 engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and

outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.

- 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>

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

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

**Summary of Flood Risk Responsibilities for your Council**

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](mailto: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 15<sup>th</sup> 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](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

### **Appendix 1 - Flood Risk responsibilities for your Council**

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

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

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

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

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

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

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

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

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

- Sustainability of the development

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