

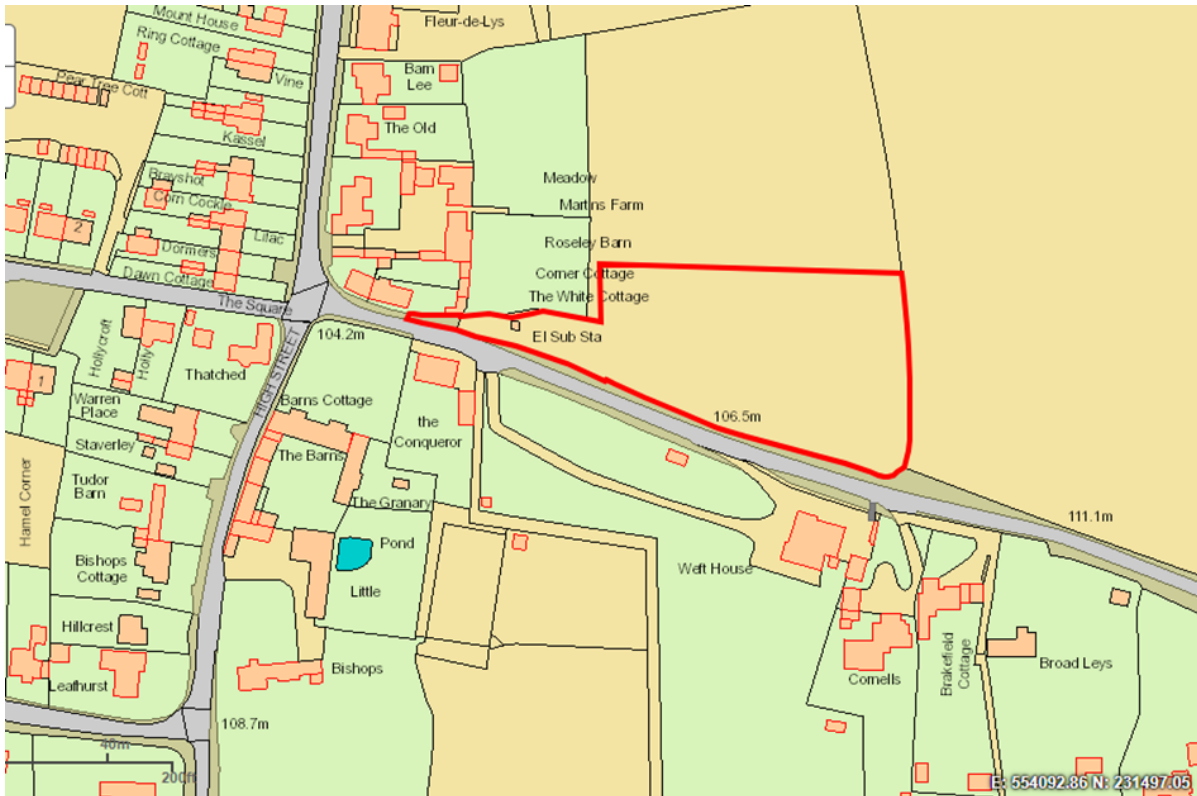
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 26 October 2022

**REFERENCE NUMBER:** UTT/22/2278/FUL

**LOCATION:** Land To The North of Cornells Lane,  
Widdington

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 7<sup>th</sup> October 2022

**PROPOSAL:** Proposed erection of 4 no. detached dwellings and associated works

**APPLICANT:** Mr and Mrs M. Tee

**AGENT:** Mr Chris Loon - Springfields Planning and Development

**EXPIRY DATE:** 12 October 2022

**EOT Expiry Date:** 31 October 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits, Protected Lane; Conservation Area and Listed Building (adjacent).

**REASON THIS APPLICATION IS ON THE AGENDA:** Called in by Cllr Hargraves to be determined by the Planning Committee if recommended for approval.

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## **1. EXECUTIVE SUMMARY**

- 1.1** The application proposes the development of part of an under-utilised paddock for the erection of four dwellings and associated works, in Widdington. Due consideration is made to the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF).
- 1.2** The proposed harm to the countryside location is considered limited. The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The size of amenity areas and parking provisions are acceptable. In regard to the impact to setting and character of Heritage Assets it is considered to result in less than substantial harm and at a low level of harm. As such a 'balancing exercise' is carried out in applying the NPPF's Presumption in Favour of Sustainable Development.
- 1.3** In regard to the 'tilted balance' pursuant to Paragraph 11 of the NPPF, it has been demonstrated that there will be no adverse impacts which would 'significantly and demonstrably' outweigh the numerous benefits of the

development, which includes the delivery of housing which as well as sustainably designed development.

- 1.4 From the information submitted and observations during the case officers site visit the proposal will not result in any harm to protected sites, habitats or protected and priority species.

2. **RECOMMENDATION**

That the Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 17 of this report.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located to the north of Cornells Lane, Widdington. It comprises an undeveloped field with an access in the south-west corner and a public footpath inside its eastern boundary. The application site measures 0.48ha and comprises part of a much larger area of managed paddock land measuring approximately 1.34ha.

4. **PROPOSAL**

- 4.1 The application is for planning permission for the erection of 4 no. detached dwellings and associated works. A vehicular access off Cornells Lane would be formed near the south-west corner of the site, and a footpath would be formed to the south of the site to the public right of way to the east of the site.
- 4.2 This application amends the previously refused application (UTT/21/2137/FUL). Whilst the scale of Plots 2, 3 and 4 remain as before, the scheme reduces the height and scale of Plot 1 from a 1 ½ storey chalet dwelling to a bungalow. Each dwelling includes off street parking and cart lodge.
- 4.3 The follow set out the proposed development details:

	House Type	Bedrooms	Garden Size	Parking Numbers
Plot 1	Bungalow	2	473 sqm	3
Plot 2	1 ½ Storey	3	392 sqm	3
Plot 3	1 ½ Storey	3	334 sqm	3
Plot 4	Bungalow	3	247sqm	3

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**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/22/1523/CLP	Certificate of lawfulness for the proposed formation, laying out and construction of a means of access to Cornells Lane, in connection with the use of land (up to 14 days per calendar year) for the purposes of the holding of a market.	Approved
UTT/21/2137/FUL	Proposed erection of 4 no. detached dwellings and associated works	Refused
UTT/19/2623/FUL	Construction of 15 new dwellings, including 6 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping	Refused
UTT/18/0885/FUL	Construction of 20 new dwellings, including 8 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping.	Refused, Appeal Dismissed

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

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

**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 the following conditions:

- Approval of visibility splays,
- Provision of parking prior to occupation,
- Compliance with recommend access gradient,
- Use of the existing vehicle access,
- Width of the existing foot path to be retained.

Full response included in Appendix 1.

## **9. PARISH COUNCIL COMMENTS**

### **9.1** Objection, comments include

The material changes are very minor from the previously refused application, these include:

- a) Change in scale of plot 1 from chalet to bungalow
- b) Additional planting to front/side garden boundaries of Plot 1
- c) Additional information concerning access proposal and options
- d) Additional information concerning indicative banks around the proposed access
- e) Clarification of parking spaces available on plots and slight amendments to parking areas; changes to parking surfaces for contrast with the private drive
- f) Clarification of proposed sized of private amenity areas to plots
- g) How the scheme respects concepts endorsed by UDC's Principal Urban Design Officer
- h) Additional documentation regarding heritage issues and rural character issues, addressing reasons for refusal on UTT/21/2137/FUL
- i) Additional information concerning the approved means of access recently granted under
- j) a Certificate of Lawfulness
- k) Information regarding recently improved bus service
- l) Information concerning definitive footpath and related issues.

- The change of design of one dwelling will not overcome the previous reasons for refusal,
- The changes to landscaping and surface materials seem most unlikely to make a difference,
- The impact of the new estate road access cutting through the banking and vegetation, which are defining features of the Cornells Protected Lane, was a key part of the March 2022 UDC decision to refuse permission.
- Recent appeal give weight to the importance of Protected Lanes,
- Insufficient access plans have been submitted,
- The gradient is steeper than the recommendation from the Highway Authority,
- The approved Certificate of Lawfulness is not a material consideration as the access can't be constructed,

- There is no explanation how the proposed footpath is a benefit,
- The details of emissions submitted do not address the 'do nothing' scenario i.e. without development on the site there would be no environmental or emissions at all,
- The decision should be postponed until the decision of the appeal has been made.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

**10.1.1** No objections subject to conditions, these include:

- Identification of contamination if found,
- Use of electric vehicle charging points,
- External lighting

### **10.2 Place Services (Conservation and Heritage)**

**10.2.1** The application site is located immediately adjacent to the Widdington Conservation Area, the boundary of which is located to the west, with access abutting the Conservation Area boundary. In close proximity to the site are the other designated heritage assets of:

- William The Conqueror, Grade II listed (list entry number: 1238376);
- Corner Cottage/White Cottage, Grade II listed (list entry number: 1238374)
- Martins Farmhouse, Grade II listed (list entry number: 1238383).

Cornells Lane is also considered a non-designated heritage asset, which has been identified and designated as a protected lane (Ref: UTTLANE158). A Public Right of Way is located to the eastern boundary of the site and continues northwards.

Roseley Barn is a curtilage listed building to Martins Farmhouse. This application is generally identical to the previously refused application, UTT/21/2137/FUL, which is currently at Appeal and awaiting the Inspectors decision, Appeal Ref: APP/C1570/W/22/3296928.

As such, previous advice in the letter dated 06/09/2021 remains fundamentally relevant. The application site is an area of undeveloped agricultural land located within the setting of several heritage assets, as identified above. The existing site positively contributes to the agrarian setting and rural character of the identified listed buildings and the Conservation Area. There would be an impact upon the setting of the heritage assets.

The proposed development of four dwellings in this location is considered to adversely impact how one experiences the assets, being urbanising in effect. It is considered that there is a level of less than substantial harm to the setting and significance of the assets, I suggest this harm is at the lowest end of the scale.

The proposed development of four detached buildings, and the creation of the access from Cornells Lane, would be inconsistent with the pattern of development and would have an adverse impact upon the approach and views into the Conservation Area. It should also be noted that this approach into the Conservation Area, along Cornells Lane, appears to be the last undeveloped approach into the Conservation Area.

It is acknowledged that the Protected Lane has steep banks, however the existing undeveloped nature of the site preserves the tranquil and rural character of this non-designated heritage and the above-mentioned designated heritage assets. With regards to The Setting of Heritage Assets guidance note from Historic England, environmental factors such as light spill, noise and general disturbance must also be taken into consideration as this adversely impacts how one experiences the heritage assets. The proposals would result in the harmful urbanisation of the site, resulting in several impacts to the setting of William The Conqueror, Corner Cottage/The White Cottage, the Widdington Conservation Area and the non-designated heritage asset of Cornells Lane. This harm would be less than substantial, Paragraphs 202 and 203 of the NPPF (2021) being relevant. This harm would be at the low end of the scale.

### **10.3 Place Services (Ecology)**

#### **10.3.1 No Objection,**

We have reviewed the Preliminary Ecological Appraisal (Southern Ecological Solutions, June 2021) relating to the likely impacts of development on designated sites, protected species and priority species / habitats. We are satisfied that there is sufficient ecological information available for determination.

It is recommended mitigation and biodiversity enhancement are secured by condition.

### **10.4 Place Services (Archaeology)**

#### **10.4.1 No objections, subject to the following conditions:**

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.



No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined above.

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.

## **10.5 Stansted Airport Aerodrome Safeguarding**

**10.5.1** No objections

## **10.6 National Air Traffic Safeguarding**

**10.6.1** No objections

## **10.7 Anglian Water**

**10.7.1** No objections or further recommendations

## **11. REPRESENTATIONS**

**11.1** A site notice was displayed on site and 103 notifications letters were sent to nearby properties. The planning application was also advertised in the local press.

## **11.2 Support**

**11.2.1** N/A

## **11.3 Object**

**11.3.1** Comments raised include:

- The site is located beyond the Development Limits of the village
- Harmful effect on the character and appearance of the area, including the Protected Lane (a 'non-designated heritage asset')
- Adverse effect on the setting of the Widdington conservation area and numerous listed buildings
- Increased vehicle movements on inadequate roads
- Increased traffic congestion and associated pollution
- Unsuitable vehicular and pedestrian access points
- Adverse effect on the safety of road users
- Increased risk of flooding
- Lack of services and facilities e.g. shop, post office
- Lack of sustainable transport options
- Loss of biodiversity

- No need for the development, no support
- The proposal does not provide the homes required e.g. affordable homes, starter homes,
- The development would cause nuisance and damage to roads and property during the construction period
- No local support for the development
- Approval would set a precedent for further residential development
- In conflict with the village design statement,
- Sets a planning precedent,
- Increase in carbon emissions,
- Highway safety implications,
- Loss of rural views,
- The approved certificate of lawfulness for a new access has no weight,
- The change of one dwelling to a bungalow does not significantly change the scheme,
- Drainage implications,
- Details within the Planning Statement is misleading,
- If approved, the scheme could revert to the 20 dwelling scheme.
- The traffic survey was carried out during lock down,
- Loss of trees
- Details of the public right of way are irrelevant,
- New homes bonus and payment of council tax is not a benefit,
- Insufficient access for larger vehicles,
- No artist impression or visual of the proposed access,
- Impact to existing views,
- Disturbance from noise during construction.

#### **11.4 Comment**

**11.4.1** All material planning merits will be considered in the following report, however please find the following case officer comments.

- Lack of support is not by itself a material planning consideration.
- Due consideration is made to the previous dismissed appeal (20 dwellings) and refused planning application (15 dwellings)
- Lack of services and infrastructure will be considered in the following report
- Highway safety will be considered in the following report.
- The principle, character, appearance and heritage are key considerations

#### **12. MATERIAL CONSIDERATIONS**

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

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

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

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

## **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

GEN1- Access

GEN2 – Design

GEN3 -Flood Protection

GEN4- Good Neighbourliness

GEN5- light Pollution

GEN6 - Infrastructure Provision to Support Development

GEN7 - Nature Conservation

GEN8- Vehicle Parking Standards

ENV1- Design of Development with Conservation Areas

ENV2- Development affecting Listed Buildings

ENV3- Open Space and Trees,

ENV5- Protection of Agricultural Land

ENV8- Other Landscape Elements of Importance for Nature Conservation

ENV9- Historic Landscapes

ENV13 - Exposure to Poor Air Quality

**13.3 Supplementary Planning Document or Guidance**

- 13.3.1** Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Widdington Conservation Area Appraisal and Management Proposals (2013)  
Widdington Village Design Statement (2009)  
Uttlesford Protected Lanes Assessment (2012)  
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) Location of housing**

**B) Character, appearance and heritage**

**C) Neighbouring Amenity**

**D) Access, Parking and Transport**

**E) Light pollution**

**F) Nature Conservation**

## **G) Flooding**

## **H) Climate Change**

## **I) Planning Balance**

### **14.3 A) Location of housing**

**14.3.1** The site's location beyond the Development Limits for Widdington, although the southwest corner of the site is partially within the Development Limits. ULP Policy S7 of the Uttlesford Local Plan states that the countryside will be 'protected for its own sake', that 'development in the countryside will be strictly controlled', and that 'permission will only be given for development that needs to take place there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

**14.3.2** There is a presumption in favour of sustainable development in the NPPF. Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.

**14.3.3** The settlement's spatial relationship with other nearby settlements includes the larger village of Newport lies north-west circa 3km distant and the town of Saffron Walden lies north about 7km distant. Neighbouring villages with a variety of facilities lie within a few kilometres. The local bus service connects various large and small settlements as well as most of the railway stations (serving London to Cambridge) shown, including those at Newport, Audley End and Bishops Stortford.

**14.3.4** It is noted the previous planning applications and dismissed appeal for the development of this site for more dwellings considered the development would result in a significant increase in the number of journeys made by car rather than sustainable modes of transport, in conflict with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**14.3.5** The Planning Inspector advised *'the proposal would give rise to a significant need to travel. Some limited opportunities exist for walking locally and cycling. However, cycling is unlikely to be popular other than for experienced cyclists. Public transport options consist of an hourly service between Bishop's Stortford and Saffron Walden, much larger towns. The timings of the service however would restrict its use for many residents who may require access early in the morning or later in the evening to access employment and public transport opportunities further*

*afield. More importantly I have some doubt as to the longer-term provision of the service. The parties confirmed that the existing tender is to the middle of 2021 and beyond that the existing provider states that there are 'no guarantees*

**14.3.6** The appeal Inspector expressed some doubt as to the longer-term provision of the bus service as he had no confidence that it would continue to operate after the middle of 2021. However, Essex County Council has recently confirmed that a revised 301 bus service with new timetable will be effective from 31st July 2022. The bus service makes significant increases provision on the previously operated 301 service, with up to 18 (from 12) services per day, these being regular and hourly. These

**14.3.7** This new service will further improve access to local settlements and facilities (including Saffron Walden County High School) by public transport. It will also enhance the ability for sustainable (and earlier/later) commuting, as the bus directly serves three railway stations (Newport, Audley End and Bishops Stortford interchange) lying on the mainline railway between London and Cambridge (also serving Harlow and Bishops Stortford).

**14.3.8** The Planning Inspector considering the previous planning refusal stated *"a development of 20 dwellings is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private vehicle"*. Although this was the case for the previous applications on this site this application included significant developments of 20 and 15 dwellings. This application has been greatly reduced to 4 dwellings. Therefore, although the location of the development has not changed the overall scale of the development has been greatly reduced and therefore the likely transport movements per day cannot be compared to the previously refused planning application for 20 dwellings.

**14.3.9** A number of recent planning applications have been approved within Widdington for smaller scale housing developments, these include:

UTT/20/1213/FUL- 2 dwellings

UTT/20/0029/FUL- 1 dwelling

UTT/18/3279/FUL- 2 dwellings

UTT/21/1509/FUL- 2 dwellings

**14.3.10** Although the above approved planning applications do not have any planning precedent, they do demonstrate that the smaller developments located close to this current application site and also further outside the central core village of Widdington still were considered as sustainable development. It was considered the occupants of these dwellings would have needed to use a car to access most services, facilities and places of work. However, a regular bus service between Saffron Walden and Bishops Stortford provides a realistic public transport option for some journeys.

- 14.3.11** The applicant has sought to demonstrate through their planning statement that there are opportunities to use sustainable transport to access services in the nearby vicinity, by sustainable transport. Whilst this may be the case, in reality, given the rural location of the site, the occupants of the proposed dwelling would most likely use a car/cars for most of their journeys to access services. Whilst this cannot be said to be a positive for the proposed development the NPPF does acknowledge that there are opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 14.3.12** While there may be some conflict with the NPPF in terms of sustainable transport modes, it is considered that the proposal accords with the more flexible approach within the NPPF. In conclusion, the proposal in the form proposed would not be in conflict paragraph 8(b) of the NPPF regarding the fact that is in a sustainable location and will contribute to the social role of sustainable development, this would also be a consistent approach as per the approval of the above smaller housing developments within Widdington. Therefore, the proposed location of the current proposed development of 4 dwellings is largely seen to accord with the social dimension of the NPPF on sustainable development, and with policies S7 and GEN1 of the Uttlesford Local Plan 2005.
- 14.3.13** Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 112 of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable. It is noted the Planning Inspector considering the previous planning refusal stated (20 dwelling scheme) concluded that there would be no loss of productive agricultural land.

#### **14.4 B) Character, appearance and heritage**

- 14.4.1** The site comprises an undeveloped paddock adjacent the village and its conservation area, which contains numerous listed buildings. Cornells Lane is identified in the Local Plan as a Protected Lane due to its historic character and a public footpath runs along the eastern boundary
- 14.4.2** Following the LPA's refusal of the scheme for 20 no. dwellings, the developers made another planning application (UTT/19/2623/FUL) again on the whole paddock covering its south to north depth but this time for 15 no. dwellings and with more open space to the east side. This was also refused to similar refusal reasons. The Planning Inspector considered issues of 'character and appearance' regarding the 20 unit scheme and considered the paddock (as a whole) provided a 'transition' from the rear

gardens and amenity land adjacent to the west and the agricultural fields and open countryside to the east.

- 14.4.3** The Planning Inspector advised that the paddock was part of the rural setting of Widdington and the introduction of 20 units onto the whole paddock as an undeveloped site would result in the suburbanisation. The Inspector considered that a comparatively large estate of 2 storey housing, although with some screening from the east, would be starkly visible and of an overall scale and disposition that would harmfully encroach above and across the skyline and would jar with their lower, more modest scale and the linear character and pattern of the village. Such visual effects, the Inspector stated that this would be particularly evident on the approach up and down Cornells Lane, from its entrance and through the site's comparatively wide access and from a number of viewpoints from the surrounding Public Rights of Way.
- 14.4.4** This current planning application for 4 dwellings is a significant reduction in dwelling numbers and overall scale of the development site compared to the previously refused application and dismissed appeal (UTT/18/0885/FUL). The dwellings will be sited to the south of the paddock and will retain much of the current paddock as a 'transition', between the existing village and open countryside to the east of the site. The smaller scaled development will not have an estate appearance and will instead provide 4 detached that provide a linear arrangement. The dwelling will be visible, however given the reduction in the scale of the development it will not be starkly visible from far away views. Furthermore, the existing and proposed landscaping will provide some mitigation and will be secured by planning condition should planning permission be granted.
- 14.4.5** The introduction of the wider access as per the previously refused planning application is no longer required, the previous proposal included an estate road of 9m wide where this is 5m wide. The views from the public right of way to the east of the site are restricted by the existing close board fencing.
- 14.4.6** The proposed scheme shows that the dwellings at Plots 2 and 3 (1 ½ storey homes) are 7.4m, 7.4m and 7.2m respectively in height to the ridge and Plot 1 and 4 (bungalows) are 5.5m high to its ridge. Plots 2 to 3 are designed as traditional style cottages. Plots 1 and 4 forms a 'barn style' single storey dwelling and reflects an agrarian nature of the farmland lying beyond the eastern end of the site.
- 14.4.7** The dwellings will be of a traditional form and appearance that would be comparable to other local residential developments. The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. The use of a mix of external finishing materials ensures the development will provide a visual interest and breaks up the building mass. From the plans submitted it is considered the design of the



dwellings are appropriate and include a traditional form, appropriate scale and use of materials compatible with the character of the site and its surroundings, these include:

- soft red brick with lime rich mortar
- conservation colour painted sand cement render
- black timber weatherboarding
- clay plain tiles
- clay pantiles
- natural slates.

**14.4.8** The layout of the proposal includes the dwellings being arranged with spacious garden areas will be in accordance with the size standards as set out in the Essex Design Guide. The single access drive from the highway provides individual accesses to each plot. The proposed footway link is proposed running east to west through the site and will connect with the Public Right of Way network to the east (Cornells Lane to Church Lane) to the High Street.

**14.4.9** The proposed landscaping includes significant number of new trees and hedgerows. Apart from the introduction of the access no trees will need to be removed to accommodate the development. The submitted arboriculture report does provide recommendations to replace trees dying/diseased trees in particular, along Cornells Lane, the green tunnel effect can be enhanced, and tree protection measure should be conditioned.

**14.4.10** The proposed access to the site will require the incursion within Cornell Lane, which is a protected lane, in comparison to the refused schemes the location of the access uses a low part of the bank to Cornells Lane, also where the vegetation at this point is of lower quality. The previous schemes included a significantly larger access and was sited further east along Cornells Lane where it is deeply incised. The required visibility splays for the development will not require the removal of further bank Cornells Lane. Due to the scale of the development the proposed access will be shared surface for pedestrians and cars throughout its length. As advised above a separate footpath will provide an alternative safe route for all who currently walk along the carriageway of Cornells Lane.

**14.4.11** The Council's Landscape Officer has been consulted, although no further comments have been received for this application it is noted the comments made in regard to the previously refused application advised the proposed introduction of the access and works to the bank of the protected lane would inherently result in some degree of harm. ULP Policy ENV9 considers works to protected lanes and advises that proposals likely to harm the protected lane will not be permitted unless the need for the development outweighs the historic significance of the site. The Protected Lane is considered a non-designated heritage asset, the Council's Heritage Officer has assessed the development overall

considers the harm caused to be at the lower end scale. Paragraph 203 of the NPPF states;

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

**14.4.12** The Uttlesford Protected Lanes Assessment was prepared by Essex County Council in March 2012. This document formalises the identification and assessment process and sets clear criteria for assessing the importance of Protected Lanes. It should be noted that the Lanes are selected not only for their historic interest, but also for their biodiversity, group value and aesthetic value. The full criteria are:

- Diversity
- Group value (association)
- Archaeological association
- Archaeological potential
- Historic integrity
- Biodiversity
- Aesthetic

**14.4.13** In the Protected Lanes Assessment Form (Appendix D) Cornells Lane is identified as UTTLANE158 which scores a total of 20 out of 28.

- It scores 4 out of 4 for Group value, its association with historic or landscape features of ‘broadly the same date’.
- It scores 3 out of 3 for archaeological association, its link with ‘non-contemporary archaeological features’.
- It scores 2 out of 3 for archaeological potential
- 2 out of 6 for Historic integrity.

This notes that the Lane has experienced ‘moderate improvements or loss to historic fabric of the lane (excluding significant hedgerow loss)’. Therefore, while Cornells Lane scores highly for archaeological potential and connections, its integrity has clearly been significantly undermined by later alterations and interventions.

**14.4.14** It is noted adjacent the proposed highway access there is an existing wide access serving William the Conquer and Weft house and as such there are number of points along the Protected Lane that have already included the loss of verge and the addition of housing. This single smaller access point is not considered unacceptable or inherently harmful. It is also noted the Uttlesford Protected Lanes Assessment confirm that one of the reasons for Cornells Lane scoring 2 on Aesthetics is the ‘nice views of

houses' from the Lane and as such the view of appropriately sited and design dwellings being seen from the Lane cannot be deemed as a harmful.

- 14.4.15** Whilst the 4 units will not be highly visible from the Lane, where views are available e.g. from the new footpath, these should be equally pleasant, given the good design, which reflects the local vernacular, architecture, materials and landscaping.
- 14.4.16** As part of the assessment of the overall impact to the Protected Lane it is considered that the setting of the Lane is an important element of its significance. This is particularly the case in understanding its links with the surrounding settlements and its visual relationship with the surrounding buildings. The site, as part of its setting provides some rural context and reflects the position of the Lane moving from the southeast extent of Widdington to the east. It is therefore experienced as an entrance and departure point to Widdington. However, the overall contribution of the site to the significance of the Lane as a non-designated heritage asset is limited. This is primarily due to the length and size of this Lane together with its closer connection with other historic and landmark features and that the proposal in terms of scale and introduction of form is small in comparison to the overall significance and setting of the Lane.
- 14.4.17** As stated above Paragraph 203 of the NPPF applies and as such a balanced judgement will be required, taking into consideration the above assessment it is considered introduction of the access point and built form of the dwellings will result in a low level of harm to Cornells Lane. Unlike the appeal scheme for 20 dwellings (and the 15 unit scheme) the width is reduced from 9.5 m to 5.5m, also due to the location of the access sufficient visibility splays will be provided without the requirement to change or remove any more of the protected lane. A condition should be included for the submission of the detailing and appearance of the access point and require retaining materials to be approved by the LPA prior to the commencement of the development.
- 14.4.18** A certificate of lawfulness application (UTT/22/1523/CLP) for a means of access, identical to that now being proposed has recently been approved. Therefore, such access could be constructed. This is a fall-back position and material consideration. The approved certificate of lawfulness considering the access to the site is identical in siting, width and visibility splays to the access proposed in the current application (and the refused/appealed application). Furthermore, the gradients shown in the 'certificated' and proposed access incorporate the previously recommended conditions of the Highway Authority.
- 14.4.19** In terms of the designated Heritage asset, this includes the Conservation Area and a number of listed buildings. However, it is noted the application site is outside of the Conservation Area. I first consider the impact the development has to the Conservation Area; due consideration is made to ULP Policy ENV1 and S72(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 in relation to the preservation or enhancement to the character and appearance of the Conservation Area.

- 14.4.20** The proposed development would inherently alter the rural setting of the application site with the introduction of built form, however this it is considered this will however this would not be appreciable from within the vast majority of the conservation area, including in views from the High Street. A small section to the southwest of the application site would result in a small change to the conservation area, through the re-surfacing of part of the access road which will include a sympathetic appearance.
- 14.4.21** The location of the dwellings would cause some alteration to the existing historic linear plan form of Widdington which is particularly evident along the High Street, and actively contributes to the historic interest of the conservation area. However, this current proposal only results in the development of the southern boundary of the site and not the entire site as per the previous refused planning applications. The siting of the dwelling would be compatible with the more twentieth century, piecemeal development within Widdington and also the more linear approach of development along Cornells Lane that has evolved over time.
- 14.4.22** The location of the proposed development follows the evolution of Cornells Lane which includes a number of dwellings built over time and mainly in a linear layout that are compatible with the historic routes through the village. The development will retain the majority of the conservation area rural setting to the east of the High Street, maintaining the transition between the settlement and the wider rural surroundings which the Inspector identified as an important feature at the previous appeal.
- 14.4.23** The location of the development to the southern boundary of the site will also ensure the views from within the wider paddock and any existing from the wider public footpath to the public views to the east and north of the site. Although the Council's Conservation officer has advised that screening mitigation cannot remove harm, however appropriate landscaping and screening should still be considered and weighed against the harm. It is noted the following the refusal of the previous application the landscaping scheme now includes double depth hedgerow to the south and west sides of plot 1. Plots are arranged with spacious garden and curtilage areas for private Amenity.
- 14.4.24** The Planning Inspector considering the previous appeal confirmed the larger 20 dwelling scheme would cause some less than substantial harm to the significance of the Conservation Area, this included:
- The location of plots 13-12, the scale and overall coverage of built form would visually compete with the village scape of properties in the Widdington Conservation Area

- There is some residential development set out in a linear form along Cornells Lane

The proposal would erode the sense of openness and diminish views of a significant part of the Widdington Conservation Area from its rural surroundings

**14.4.25** However, with this current proposal:

- The area of appeal plots 13-20 is now undeveloped; scale reduced from 20 to 4 dwellings; area reduced significantly,
- The proposed scheme has vastly reduced coverage/scale compared to previous 20 dwelling scheme.
- An existing linear development runs along Cornells Lane (housing lies opposite).
- A sense of openness will be retained with the remaining paddock area to remain undeveloped and provides a transition area between the village and surrounding rural area.
- The development will not compete with the character of the Conservation Area.
- The views from the footpath to the eastern boundary of the site is restricted with a newly erected 1.8m fence. Therefore, views to the back of the back of the High Street remains unaffected.
- The proposal is not considered to have an urbanising effect.

**14.4.26** The appearance of the dwellings would also be constructed in a simple, vernacular style diminishing in height from west to east. As set out by the Council's Heritage Officer the proposal will result in low level of harm to the Conservation Area. This limited, less than substantial harm should be weighed against the public benefits of the proposals in accordance with paragraph 202 of the NPPF.

**14.4.27** Paragraph 206 of the NPPF advises Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserved that make a positive contribution to the asset (or which reveal its significance) should be treated as favourably. The proposal will provide a permissive footpath to the south east corner to the south west corner of the site. This will creating a safe walking environment providing views of the Conservation Area which will better reveal its significance.

**14.4.28** In terms of the effects of the setting of Listed buildings, due consideration is made to ULP Policy ENV2 and S66(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990. The following sets out my assessment to each of the Listed Building affected by the proposed development. This also takes into consideration the consultation response from the Council's Heritage Officer and details of the previous planning appeal.

- 14.4.29** Martins Farm House;  
The proposal would alter the views to and from Roseley Barn, which has been identified as a curtilage listed building and therefore part of the listed building of Martins Farmhouse. The proposal will reduce the current rural context which contributes to the significance of the Farmhouse and Barn by virtue of their related historic uses. There is no current functional link and there is no evidence of a historic functional link between the Site and the farm (with the Site and wider paddock in separate ownership to Martins Farmhouse and the Barn).
- 14.4.30** It is noted that at the previously appeal hearing that Martins Farm House and associated buildings could not be seen from the application site and was agreed to not be part of the assessment of the heritage assets. Taking a consistent approach any impact can only be viewed as strictly limited, moreover, the conversion of the Barn to residential use, and its subsequent extension, has diminished the legibility of its former agricultural. The proposed development would therefore have no impact on the significance of Martins Farmhouse, with the relationship between the Barn and Farmhouse being unaffected and the legibility of its historic use unchanged. The special architectural and historic interest of the listed building would be preserved. This accords with the Inspector's findings for the much larger scale of development previously dismissed at Appeal.
- 14.4.31** Corner Cottage/The White Cottage;  
There will be limited impact on views. These semi-detached residential properties lie on the corner of Cornells Lane accordingly, there would be some less than substantial harm by virtue of development within their setting, albeit to the lower end of any scale. Also, the proposal will include some existing access to the Site, which will be undertaken in conjunction with providing additional planting to screen views, reinforcing the sense of enclosure. Fundamentally the development will not alter its role within the setting of the listed building will subsequently be unchanged. As such it is considered that the proposed development will have no impact on the significance of the listed building. Its special architectural and historic interest will be preserved.
- 14.4.32** William the Conqueror;  
The existing landscaping to the north east of the William the Conqueror and particularly on the southern boundary of the site means that there will be a limited visual impact from the proposed development. One of the main changes will result from the construction of a new access proximate to the listed building, which will involve alterations to Cornells Lane.
- 14.4.33** Although this will alter the existing semi-rural setting of the listed building it will not diminish the ability to appreciate and experience its significance,

particularly given the current context of the listed building, which lies adjacent to the engineered access point into Weft House. It is noted the Planning Inspector of the previous appeal considered the proposed passing bays would cause an increase in noise, vibrations and vehicle emissions from vehicular traffic, potentially affecting its fabric, resulting in visual distraction & diluting appreciation of Listed Building from the lane. However, this application does not include or require the passing bays along then highway.

- 14.4.34** The Planning Inspector also considered the upper stories and roofs of plots 1, 2 and 18 and 19 would be visible through the new footpath link, sitting at a higher level. Would be some harm to the setting by virtue of such development and activity associated with it, within its setting. That being said, this proposal is of a much smaller scheme, plots 1 to 4 which have a comparable location include 2 chalets and 2 bungalows and notably lower ridge height and eaves heights.
- 14.4.35** Additional planting and the separation to the dwellings themselves will ensure that proposed dwellings are visually separated from the listed building. These slight changes within the setting of the listed building will have high level of harmful impact on the significance of the William the Conqueror or the ability to appreciate and experience its significance.
- 14.4.36** Fleur-De-Lys Public House;  
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, it's setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.
- 14.4.37** Church of St Mary the Virgin;  
Due to the reduction of the scale of the development and siting along the southern boundary of the site is it not considered the proposed development will impact on the significance of the listed building, it's setting or the ability to appreciate and experience its significance. No objections have been raised by the Council's Heritage Officer on this building.
- 14.4.38** Roseley Barn;  
This is a curtilage in relation to Martins Farm, it is noted objections were raised during the previously refused planning application by Council; Heritage Consultant or by the Planning Inspector considering the previous planning refusal stated "a development of 20 dwellings. Although the views will be altered, it is not considered to result in a urbanising effect or significant level of harm caused.
- 14.4.39** The development is not considered to have an urbanising effect the character of the site. The proposal for 4 dwellings which have a tradition rural appearance and set out in generous size plots. The reduction of the

scale of Plot 1 and increase planting around further ensures the proposal integrates with its surroundings. Whilst there will inevitably be some minor adverse impacts due to the introduction of built form as is the case of building on any greenfield land the proposed scheme is minor in nature and will not impinge on the overall rural quality around the village. The site is well contained from wider views. As such it is not considered the proposal will have a urbanising effect that will result in significant level of harm to character of the site, its surroundings or the setting to designated or non-designated heritage assets.

**14.4.40** Following the previous planning application the Council's Heritage Consultant has advised the proposal is compliant with Paragraph 206 of the NPPF in regards to new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. The proposal includes the introduction of a new footpath through the site this will open up views towards the back of High Street where the Conservation Area lies and includes White/Corner Cottage (listed), Roseley Barn (curtilage listed to Martin's Farm) and other buildings further north including along High Street.

**14.4.41** Taking into consideration the consultation responses from the Council's Heritage Consultant, the details of the previous planning appeal and submitted Heritage Statement it is considered the proposed development will subsequently result in a very low level of less than substantial harm to the significance of the Widdington Conservation Area and is in accordance with ULP Policy ENV1 paragraphs 202 and 206 of the NPPF and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**14.4.42** As assessed above the significance of all listed buildings potentially affected by the proposed development will be preserved, in accordance with ULP Policy ENV2 section 202 of the NPPF and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **14.5 C) Neighbouring Amenity**

**14.5.1** The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between proposed dwellings and distance between the neighbouring sites. The siting respects residential amenity, with the nearest dwellings being some distance away from Plot 1, including White Cottage (at 48m), Roseley Barn (45m), William the Conqueror (53m). Weft House is closest to Plot 4 and is sited 42m distant. It is advised there are no proposed windows at the first floor level- western elevation of plot 1 due to being of a bungalow design of. As such taking into consideration the separation distance, siting/ orientation of the proposed dwellings and existing boundary treatment the development will not result in any significant overlooking or loss of privacy that will have a



harmful impact. It is therefore concluded that the proposed scheme accords with the above policies.

**14.5.2** ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties. The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other residential development along Cornells Lane, it is noted noise objections have been raised by the Council's Environmental Health Officer. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4.

#### **14.6 D) Access, Parking and Transport**

**14.6.1** Policy GEN1 require development to the main road network that must not compromise road safety, there is an existing access to the site off Cornells Lane is by way of a gated field access located in the south-western corner of the This access also serves an electricity substation. At the site location, Cornells Lane is subject to a 30mph speed limit and comprises a single carriageway with a verge and bank.

**14.6.2** The access requires 2.4m by 43m visibility splays, based on the speed zone and prevailing speed of traffic which has been surveyed. Long sections show that these splays are achievable without further removal of the bank along Cornells Lane to create them.

**14.6.3** The access will meet highway requirements with a 5.5m width for the first 10m, radii kerbs and suitable gradient, as designed by highway consultants. It has also been designed to accommodate the manoeuvres of fire tenders, as well as the large refuse vehicles.

**14.6.4** The Highways Authority have been consulted as part of the planning application process, no objection have been raised subject to conditions. Taking into account the comments of the Highway Authority and recommended conditions, it is considered that the proposal would not adversely affect road safety or highway capacity provided that appropriate conditions are imposed should planning permission be granted.

**14.6.5** It is therefore concluded that the proposed access arrangements will be suitable to serve the proposed residential development. The assessment of this private drive access, to serve 4 dwellings, has been undertaken as required to serve a development of this quantum and type, with due regards to ULP Policy GEN1 and the Essex Design Guide.

**14.6.6** ULP Policy GEN8 considers the whether the development will have appropriate parking provision, this also in accordance with the adopted

Uttlesford Neighbourhood Parking Standards (2013), and Essex County Council Vehicle Parking Standards (2009).

**14.6.7** Each dwelling will include off street parking that is in accordance with adopted standards. The parking provisions also accord with the recommended parking sizes within the Essex County Council Vehicle Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013). As such it is considered the proposal complies with ULP Policy GEN8 and the Uttlesford Neighbourhood Parking Standards (2013).

#### **14.7 E) Light pollution**

**14.7.1** ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution however it is recommended a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development.

#### **14.8 F) Nature Conservation**

**14.8.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

**14.8.2** A preliminary ecological assessment (PEA) has been carried out and submitted with the planning application. The Council's Ecology Consultant has been consulted as party of the planning application process; no objections have been made subject to conditions.

**14.8.3** All significant impacts on biodiversity, including potential adverse impacts upon specific protected species, habitats and designated sites can likely be wholly mitigated, based on the detailed findings of the PEA.

**14.8.4** In terms of biodiversity enhancement, the proposal includes the provision of an ecological area measuring 0.12 ha (0.29 acres) comprising part of the 2 acres of retained paddock land immediately north of the site. The detailing of the ecological area should be subject to a condition for the submission and approval of the LPA.

**14.8.5** Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework.

#### **14.9 G) Flooding**

**14.9.1** Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. The application site is in flood zone 1 and therefore it is concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with ULP Policy GEN3, and the NPPF.

## **14.10 H) Climate Change**

**14.10.1** Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance.

**14.10.2** The application includes a Planning Statement and Sustainability Statement which have made due consideration to the adopted Interim Climate Change Policy, which advises the proposed development has been designed to address the Climate and Ecological Emergency declared by UDC in 2019 and more recent Interim Policy regarding Climate Change (February 2021).

**14.10.3** The statement set out that in respects to energy efficiency the fabric efficiency well above standard requirements in order to reduce energy demand. Furthermore, each dwelling is proposed with an air source heat pump and photo voltaic panels. These measures are in line with professional recommendations and will mean that the development would save over 5 tonnes per annum of carbon dioxide emissions to the atmosphere, compared to a development built to standard building regulations.

**14.10.4** The sustainable design of the development has considered numerous factors. These include:

Reducing carbon dioxide through renewable energy and reduced energy demand, including fabric improvements, solar panels, and air source heat pumps

- Water Conservation Measures
- Flood Risk
- The use of recycled, responsibly sourced and sustainably manufactured building materials
- Waste and Recycling
- Landscape Design
- Ecological measures, including a substantial off site Ecology Area in addition to on site ecological measures

- Promoting sustainable travel choices e.g Electric Vehicle Charging Points, Home Working facilities, new footpath linking the site to High Street bus stops and provision of Travel packs with vouchers for use on public transport

**14.10.5** Resource and water efficiency have been maximised, whilst the production of waste and pollution is to be kept to a minimum, ensuring the impact of the proposals on its surroundings and the environment is reduced.

**14.10.6** The design to meet energy standards and ensuring the dwellings are capable of adopting future technology, the application will respond directly to the Uttlesford District Council's policies as it targets to significantly reduce carbon dioxide emissions above the Building Regulations 2013 Part L requirement.

**14.10.7** The proposed residential units will be designed to reduce their CO2 emissions by 60.95% below the Building Regulations 2013 (TER) minimum requirements. This equates to a saving of 5.11 tonnes of CO2 per year and will be achieved with the use of a highly efficient building fabric, individual ASHPs and the installation of 7.5 kWp of photovoltaic cells (PV). Electric vehicle charging points will be included in all dwellings.

**14.10.8** The landscaping strategy provides a harmonious integration with local ecological features as well as protecting habitats for existing wildlife through the planting of native species of trees and shrubs. It will include:

- Mixed hedgerow to all boundaries;
- Hedge planting to include Hawthorn, Hazel, Blackthorn, Dog Rose, Crab Apple, Field Maple and Dogwood;
- Bird nesting boxes and bat boxes throughout the site;
- A number of hedgehog highways will be installed to fences/hedgerows;
- Selection of fruit trees within garden areas;
- Selection of plants that rely on limited water for establishment;
- Selection of local plant materials to minimise transport footprint;

**14.10.9** A new 0.29 acre ecological area will be provided to the north of the site. This area is to be planted with trees and wild flowers within the grassland. An ecology pond with a bog area will also be created for wildlife. The pond will provide a 'beach' area for access for wild birds and other animals. The new ecological area will increase wildlife to the locality by increasing habitat.

**14.10.10** The proposed measures will ensure the proposed development appropriately addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy. Compliance with climate change objectives of the NPPF and Uttlesford Interim Climate Change Policy.

**14.11 I) Planning Balance**

**14.11.1** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 years (5 YHLS update April 2021).

**14.11.2** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of- date. This includes where the 5 YHLS cannot be delivered. As the Council is currently unable to demonstrate a 5 YHLS, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**14.11.3** The following breaks down the economic, social and environment benefits of the development:

**14.11.4** Economic:

- Short term benefits during the construction phase, with benefit to local companies e.g. contractors, sub-contractors, trades and suppliers.
- Occupiers of the houses would contribute to the local economy in the long term, in Widdington and surrounding areas
- Increased pool of potential customers for the local bus service could bring improved viability
- The dwellings are designed with home office to encourage working from home, enabling the prospects of an economically active additional population

**14.11.5** Social:

- The construction of four dwellings to contribute to the 5 Year Housing land supply,
- 3 x 3 bed dwellings meeting highest housing size need as indicated in Uttlesford's SHMA
- 1 x 2 bed bungalow to meet other housing needs,

- Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies
- 2 no. bungalow to meet housing needs
- Accessible to local services, including those which can be reached via the recently improved and regular bus service to other nearby settlements

#### **14.11.6** Environmental;

- Quality build and design, fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. The development will save over 5 tonnes of carbon dioxide emissions to the atmosphere compared to a scheme which meets Building Regulations
- Each dwelling would also be provided with an electric vehicle charging point
- Significant new tree and hedgerow planting which will bring ecological and environmental Benefits
- Opportunities to make improvements to certain vegetation along Cornells Lane, secured by landscaping condition,
- Biodiversity net gain in the form of the proposed off site ecological area measuring 0.29 acres,
- Provision of landscaped footpath corridor for use by the public
- Removal of overhead power line and apparatus by grounding cables, for visual benefit
- Delivery of high quality design with appropriate scale, form, density, architecture and materials

**14.11.7** As set out in section B of this report the proposal will result in limited low level harm to the character and appearance of the rural site and both designated and non-designated heritage assets. The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (i)).

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender

reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

## **15.2. Human Rights**

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

## **16 CONCLUSION**

- 16.1** The location of the current proposed development of 4 dwellings is largely seen to accord with the NPPF on sustainable development, and with Policies S7 and GEN1 of the Uttlesford Local Plan 2005.
- 16.2** The proposed layout, scale and appearance of the development is acceptable in the context of the character and appearance of the site and surrounding area.
- 16.3** The level of harm to the designated and non-designated heritage assets is considered low level. The benefits have been weighed against this.
- 16.4** The landscaping details are considered appropriate however more detailed plans will be required and secured by condition. Therefore the proposal accords with ULP Policies S7, GEN2, and ENV3.
- 16.5** The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.
- 16.6** The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).

**16.7** The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.

**16.8** The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole NPPF Paragraph 11d (i).

**16.9** RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS

**17. CONDITIONS**

**1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

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

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

**3** Prior to commencement of development (including any ground works) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel and underbody washing facilities.

REASON: To ensure that the construction of the development is in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

**4** No development or preliminary groundworks of any kind (unless in connection with satisfying this condition) shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been



submitted by the applicant, and approved in writing by the Local Planning Authority.

REASON: The Historic Environment Record indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 5 The applicant/developer shall 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). The assessment shall comprise in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record indicate that the proposed development lies within a potentially sensitive area of heritage assets immediately adjacent the conservation area of Widdington and to the south of the scheduled monument of Widdington Hall (SM 14370), a designated moated site containing Grade II listed buildings. The site itself lies immediately adjacent a number of listed buildings which are identified in the Heritage statement submitted with the application. Aerial cropmark evidence shows a complex pattern of field boundaries in the adjacent fields to the east of the development area (EHER 46363). Immediately to the north of the site an archaeological evaluation found a sequence of ditches, unfortunately containing no dating evidence (EHER 48244). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 6 Prior to commencement of the development hereby approved a detailed hard and soft landscaping scheme (including planting, hard surfaces, footpaths and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7** Prior to commencement of the development hereby approved, a detailed cross sections drawing including the details/ materials and appearance of any retaining features for the construction of the highway access and internal road shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 8** Prior to commencement of the development hereby approved a detailed plan of the proposed Ecological Area as shown on Drawing no. P5004-10 B (Proposed Site Layout Plan); and future maintenance details shall be submitted to and approved in writing by the Local Planning Authority.

The completion of the ecology area shall all be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner.

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 Natural Environment and Rural Communities Act' 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 9** Prior to the commencement of the development hereby approved details of surface and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall not be changed without the prior written consent of the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 10** Prior to the commencement of the development above slab level a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Appraisal (SES, June 2021).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

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

REASON To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the Natural Environment and Rural Communities Act' 2006 ( Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 11** Prior to the occupation of the development hereby approved 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 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 Natural Environment and Rural Communities Act' Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 12** Prior to the commencement of the development above slab level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 13** Prior to first occupation of each dwelling hereby approved the renewable energy features/climate change mitigation measures associated with that dwelling shall first be submitted in writing to and agreed by the local planning authority. All measures shall take account of the principles set out in the submitted Sustainability Statement (Abbey Consultants June 2021), Energy Statement (Abbey Consultants June 2021) and Energy Note (August 2022), subject to any amendments to reflect the development hereby approved. All approved measures shall be installed into the development as built and retained as such thereafter

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

- 14** Prior to the occupation of the development hereby approved, details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policy GEN54 of the Uttlesford Local Plan (adopted 2005)

- 15** 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 GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

- 16** Prior to occupation of the development hereby approved, the access at its centre line shall be provided with visibility splays of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the

access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17** Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as shown in principle on DWG no. P5004-10.Rev. C (Title– Proposed Site Layout Plan) shall be provided. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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 Natural Environment and Rural Communities Act' Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 19** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 20** The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21** The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing

immediately as the proposed new access is brought into first beneficial use, with the provision of a pedestrian access into the development site provided.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 22** The width of public footpath no. 17 (Widdington) must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 23** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 24** A minimum of a single electric vehicle charging point shall be installed at each of the dwellings. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005)" and in accordance with the guidance in Approved Document S 2021.

- 25** The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

## Appendix 1 – Highways Consultation Response

Your Ref: UTT/22/2278/FUL  
Our Ref: 31597  
Date: 28<sup>th</sup> September 2022



CC: (by email) *DM, SMO2, Chelmsford*  
*Cllr Ray Gooding*  
*PROW, Chelmsford*

Andrew Cook  
Director for Highways  
and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/2278/FUL  
Applicant Mr and Mrs M. Tee  
Site Location Land to The North of Cornells Lane Widdington CB11 3SG  
Proposal Proposed erection of 4 no. detached dwellings and associated works

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

1. Prior to occupation of the development, the access at its centre line shall be provided with visibility splays of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as shown in principle on DWG no. P5004-10.Rev. C (Title – Proposed Site Layout Plan) shall be provided. The access, parking and turning areas shall be retained in perpetuity for their intended purpose. **Reason:** To ensure that appropriate access, parking and turning is provided.
3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
4. The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To

enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

6. The existing vehicular access (adjacent to dwelling 'The White Cottage') shall be suitably and permanently closed to vehicles incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use, with the provision of a pedestrian access into the development site provided. **Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.
7. The width of public footpath no. 17 (Widdington) must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metres from the width of the footpath. **Reason:** To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility.

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

Informative:

- i. 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 Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
  - ii. There shall be no discharge of surface water onto the Highway.
  - iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
  - iv. 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.
  - v. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
  - vi. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.
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- vii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 17 (Widdington) 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.

Note:

The location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.



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pp. Director for Highways and Transportation  
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