



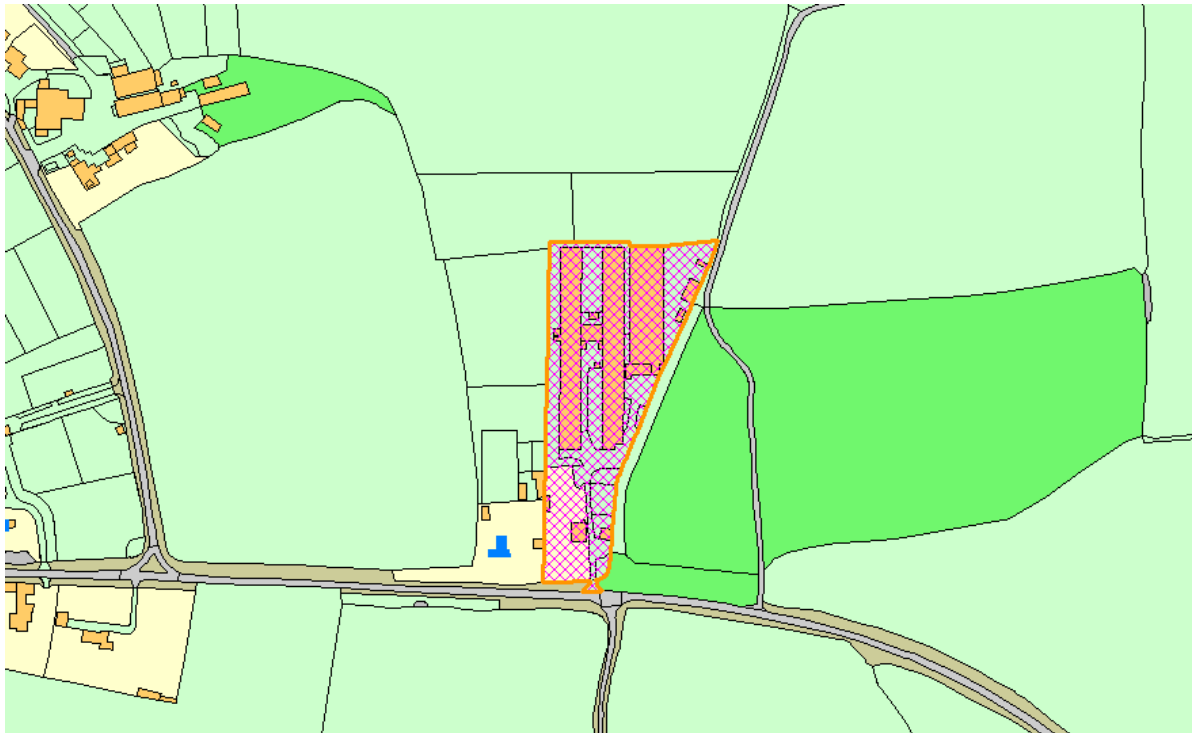
**ITEM NUMBER:** 10

**PLANNING COMMITTEE  
DATE:** 11 January 2023

**REFERENCE NUMBER:** UTT/22/1764/FUL

**LOCATION:** WOODSIDE FARM, GALLOWS GREEN ROAD,  
GREAT EASTON,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 19<sup>th</sup> December 2022

**PROPOSAL:** Demolition of existing dwelling and erection of replacement dwelling. Alterations to existing access to provide a type f minor access road. Demolition of 4568.8 square metres of intensive poultry rearing/production buildings and associated hardstanding's/structures. Erection of 4 no. detached dwellings with associated garaging, parking and gardens. Provision of ecology areas.

**APPLICANT:** Mr N Cooper

**AGENT:** Mrs Lucy Carpenter

**EXPIRY DATE:** 17 August 2022

**EOT Expiry Date:** 16 January 2023

**CASE OFFICER:** Mark Sawyers

**NOTATION:** Outside Development Limits  
Within 200m of Parish Boundary  
Protected Lane – UTTLANE81 (Great Easton/Lindsell – Gallows Green Road)  
Mineral Safeguarding Area – Sand/Gravel  
Within 100m of Local Wildlife Site – Ufd244 (Gallows Wood)  
Within 250m of Local Wildlife Site – Ufd244 (Gallows Wood)  
Within 100m of Local Wildlife Site – Ufd239 (Gallows Wood Marsh)  
Within 250m of Local Wildlife Site – Ufd239 (Gallows Wood Marsh)

**REASON THIS APPLICATION IS ON THE AGENDA:** Call in

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**1. EXECUTIVE SUMMARY**

- 1.1** This application is for the proposed erection of 4 no. new dwellings and with an additional 1 no. replacement dwelling.
- 1.2** It is located on a former poultry farm located within Gallows Green and located outside the development envelope situated to the west of Lindsell.

- 1.3 This proposal would make use of previously developed land and contribute 1 no. replacement dwelling and a further 4 no. new dwellings towards the Local Planning Authority's 5YHLS, it would also provide local employment for the life of the build.

## 2. **RECOMMENDATION**

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

A) Conditions

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

- 3.1 The application site is located on the northern side of Gallows Green Road, it comprises an irregular shaped approximately 2.86 acres parcel of land that would be seen as a brownfield site, it is still deemed within agricultural use due to its last use in egg/poultry production.
- 3.2 The former intensive poultry and chicken production plant comprises of approximately 4568 square metres of buildings and a detached dwelling located to the frontage of the site.
- 3.3 Gallows Green Road runs between the B184 in Little Cambridge to the west and Lindsell to the east. The hamlet in which the proposal would be situated within comprises a small number of dwellings/farmsteads, set predominantly on the northern side of the road. These dwellings benefit from clearly defined curtilages and are generally bound with trees and hedgerows separating the dwellings and existing built form the surrounding open countryside.
- 3.4 A public byway lies to the east of the application site, it runs between the application site and the ancient woodland of Gallows Wood. To the south-western boundary of the site, lies the Grade II Listed Building of 'Pear Tree Cottage'.

## 4. **PROPOSAL**

- 4.1 This full application proposal relates to the demolition of existing dwelling and erection of a replacement dwelling. Alterations to existing access to provide a type f minor access road.
- 4.2 The demolition of 4568.8 square metres of intensive poultry rearing/production buildings and associated hardstanding's/structures. Erection of 4 no. detached dwellings with associated garaging, parking and gardens. Provision of ecology areas.

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

## 6. **RELEVANT SITE HISTORY**

6.1	Reference	Proposal	Decision
	DUN/0396/60	Erection of poultry unit	Approval with Conditions
	DUN/0007/61	Erection of additional poultry unit	Approval with Conditions
	A/DUN/1/61	Erection of Buxted Chicken Sign	Approval with Conditions
	UTT/0707/99/FUL	New egg room and 3 weigh rooms and relocation of 2 feed bins. Extension to industrial buildings.	Approval with Conditions

## 7. **PREAPPLICATION ADVICE**

- 7.1 A preliminary enquiry was submitted to the Council in January 2022 for both Planning and Heritage advice. Prior to the submission of this enquiry the suitability of the access was addressed through the carrying out of a speed survey.

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

### 8.1 **Highway Authority**

- 8.1.1 The documents accompanying the planning application have been duly considered. Given that the proposed development is not expected to generate additional trips compared to the existing permitted use of the site when fully operational, the proposal is acceptable to the Highway Authority, subject to the following requirements.

1. Prior to commencement of the development a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, as well as vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

**REASON:** To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

2. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 103.4 metres to the east and 2.4 metres by 110 metres to the west as shown on Drawing No. JNY11217-RPS-0100-001, 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 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 6 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing.

**REASON:** To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

**REASON:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

**REASON:** To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. All single garages should have a minimum internal measurement of 7m x 3m

All double garages should have a minimum internal measurement of 7m x 5.5m

All tandem garages should have minimum internal measurements of 12m x 3m

**REASON:** To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. All Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

**REASON:** To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. 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.

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

9. The public's rights and ease of passage over byway no 5 (Lindsell) shall be maintained free and unobstructed at all times.

**REASON:** To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### *Informative*

- *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 byway no 5 (Lindsell) 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 temporarily closing 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.*

- *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)*

- *On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.*
- *The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.*
- *Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*

## **9. PARISH COUNCIL COMMENTS**

**9.1** The Parish Council has significant concerns about this application on a number of issues.

- Objections from neighbouring residents
- The effect on the setting of a Listed Building
- Highways issues



- The proposal does not comply with Uttlesford Local Plan Policies S7, GEN4 and The National Planning Policy Framework (2021) sustainability requirements.
- The design, scale and size of the development
- The Parish Council objects to the application and the fallback position proposed.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

**10.1.1** No objections subject to the imposition of conditions regarding:

- Contamination
- Noise and Dust during construction
- Hours of Construction Work
- Electric Vehicle Charging Point
- Report contamination to the LPA if discovered during works
- Provision of electric vehicle charging points

### **10.2 UDC Landscape Officer/Arborist**

**10.2.1** No comments towards this application.

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

**10.3.1** The development would cause less than substantial harm to the setting of Peartree Cottage which share a functional link with the application site. The cottage would no longer be experienced within an isolated rural position, coupled with the quantity of the glazing which is not considered to be reflective of the architecture within the vernacular. This harm is assessed to be at the low end of the scale. Paragraph 202 of the NPPF (2021) should therefore be applied.

### **10.4 Place Services (Ecology)**

**10.4.1** No objections subject to the imposition of conditions regarding:

- Development to be in accordance with the ecology appraisal.
- Submission of a Construction Environmental Management Plan (CEMP)
- Submission of a Biodiversity Enhancement Strategy
- Submission of a Wildlife Sensitive Lighting Scheme

### **Manchester Airport Group**

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

- During demolition & construction robust measures must be taken to control dust and smoke clouds. Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.
- During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. The scheme is acceptable in its current layout, as long as the ponds remain no larger than shown and are located adjacent to the woodland and partially surrounded by native trees and shrubs. Any change to this design should be subject of a re-consultation with the aerodrome safeguarding authority for Stansted Airport. Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.
- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill. Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

Informatives:

- No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order (“Order”). In particular in contravention of the following provisions under that Order:-
  - Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.
  - Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- The applicant’s attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Cranenotification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town &

Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

## **11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 21 notifications letters were sent to nearby properties. As the development concerns minor development and affects a public right of way, site notices were displayed near the site and in the local press.

### **11.2 Object**

- 11.2.1**
- Character of the local area
  - Design and appearance
  - Site layout
  - Harmful to residential amenity
  - Highway safety
  - Sustainability
  - Impact on wildlife
  - Increase in population
  - Building density
  - Fallback situation
  - Impact on adjacent Listed Building
  - Recent refusal of single dwelling at Hyde Farm
  - Recent refusal of 7 dwellings at Springwell Nursery

### **11.3 Comment**

- 11.3.1**
- The required statutory consultations have been made.
  - The character, appearance, impact to neighbours and all other material consideration will be considered in the following report.

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

**12.3** Section 66(1) 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.

## **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)  
 Ashdon Neighbourhood Plan (made December 2022)

## **13. POLICY**

### **13.1 National Policies**

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

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

**13.2.1**

Policy S7	–	The Countryside
Policy GEN1	–	Access
Policy GEN2	–	Design
Policy GEN4	–	Good Neighbourliness
Policy GEN5	–	Light Pollution
Policy GEN7	–	Nature Conservation
Policy GEN8	–	Vehicle Parking Standards
Policy H1	–	Housing Development
Policy H7	–	Replacement Dwellings
Policy H10	–	Housing Mix
Policy ENV2	–	Development affecting Listed Buildings
Policy ENV3	–	Open Space and Trees
Policy ENV10	–	Noise Sensitive Development
Policy ENV13	–	Exposure to Poor Air Quality

**13.3 Supplementary Planning Document or Guidance**

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

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2** **A) Principle of development**  
**B) Whether means of access would be satisfactory / sustainable transport**  
**B) Heritage Impacts**  
**D) Design, Layout, Scale and Appearance**  
**E) Environmental Health**  
**F) Ecology**  
**G) Accessibility**  
**H) Impact on neighbours and amenity**  
**I) Landscaping**

**14.3 A) Principle of development**

- 14.3.1** The site is located outside the Development Limits and therefore in the countryside for the purposes of the Local Plan. The proposal conflicts with the restrictive approach to housing development in the countryside advocated by Policy S7. However, this policy is partially compliant with the NPPF which is more permissive and seeks to promote sustainable development, accepting that there are differences in the level of sustainability between countryside and town locations. The policy has consistently been found to have moderate weight at appeal.

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

- 14.3.3** The National Planning Policy Framework (2021) is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving

development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

**14.3.4** Therefore, the titled balance is engaged in favour of housing. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

**14.3.5** *Sustainable Development:*

There is a presumption in favour of sustainable development in the National Planning Policy Framework (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.

**14.3.6** *The Countryside:*

The application site is outside defined development limits and is therefore deemed to be in the countryside. 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’.

**14.3.7** Policy S7 takes a more protective approach to countryside development, unlike NPPF’s positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly controlled, and isolated houses will need exceptional justification (para 80).

**14.3.8** *Applying policy S7 tests in conjunction with paragraph 8 of the NPPF:*

In economic terms, the proposal will potentially provide a small contribution towards the wider local economy during construction, via

employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

- 14.3.9** In social and environmental terms: For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located within the hamlet of Gaston Green, Great Easton, and as such, although not ideally positioned, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable on this occasion.
- 14.3.10** For the 'proximity to services' the location is inappropriate because access to key services and facilities (e.g., supermarkets), sustainable public transport, employment and leisure opportunities is very limited, which means that for the majority of journeys the only practical option would be the use of cars. Although the new dwellings would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that the nearest bus stop is located approximately 3km away within Lindsell. Therefore, the proposal fails to accord with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).
- 14.3.11** For the 'impact on the countryside and local character' issue the local character contains a distinct rural feel and open countryside setting, whilst the plot is situated next to an existing dwelling, it must be noted that the large intensive poultry buildings that are currently on site are to be removed, with a reduction of approximately 66% in built form within the site.
- 14.3.12** Taking this reduction in massing within the site it is considered that the additional of 4 no. dwellings will not diminish the rural feel that is intrinsic to the local character. As such, the proposed development would not introduce unnecessary built form into its countryside setting. Therefore, it accords with Uttlesford Local Plan Policy S7, and paragraphs 11(d)(ii), 174(b) of the NPPF.
- 14.3.13** As such the proposal concerns an additional 4 no. dwellings as well as a replacement dwelling, no objections are raised under Uttlesford Local Plan Policy S7 in this regard.
- 14.3.14** Whilst it is considered that at this point the tilted balance establishes the principle of development, it is noted that this area is not covered by any Neighbourhood Plan.
- 14.3.15** It is therefore considered that on balance, the benefits outweigh the harms, and the principle of development can be supported, in accordance with Policy S7 of the Adopted Local Plan.

- 14.3.16** Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory (April 2022) identifies that the Council has a 4.89hls.
- 14.3.17** Uttlesford Local Plan Policy S7 advises that there will be strict control on buildings in the countryside, with planning permission only being given for development that needs to be there.
- 14.3.18** The review of the Local Plan policies considered that Policy S7 of the adopted Local Plan is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. Therefore, Policy S7 is still relevant to the consideration of this application.
- 14.3.19** Re-use of existing buildings and previously developed land outside urban areas (450 dwellings).
- 14.3.20** Whilst now outdated, Uttlesford Local Plan Policy H1 proposed 450 dwellings were to be built via the re-use of existing building and previously developed land outside urban areas.
- 14.3.21** Uttlesford Local Plan Policy H7 concerns replacement dwellings. A replacement dwelling will be permitted if it is in scale and character with neighbouring properties. Outside development limits, a replacement dwelling will not be permitted unless, through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.
- 14.3.22** The site was formally in agricultural production, the site is considered to be Previously Developed Land (Brownfield) and as part of the proposal the current bungalow on the site is set to be replaced with a two-storey replacement.
- 14.3.23** Within the Pre-Application enquiry, it was established that there was no objection to a replacement dwelling on plot E, subject to the dwelling being set back, be of a more appropriate domestic design as opposed to the barn like style found to the rear of the site and to be of a size and scale no bigger than the existing Listed Building as so it does not compete in dominance with the Heritage Asset.
- 14.3.24** Uttlesford Local Plan Policy H10 seeks to ensure all new developments of 3 or more dwellings include a significant proportion of market housing comprising small properties. Due to the size constraints of the site, the proposed development demonstrates one five-bed dwelling and four



four-bed dwelling, therefore the proposal is considered to have a housing mix that would accord with the aims of Policy H10 of the Adopted Local Plan.

- 14.3.25** Along with the proposal, the agent has demonstrated the level of build within the site that could be undertaken under a Prior Notification application. Whilst a formal application has not been submitted in order to formally establish this 'fall-back' position, the Local Planning Authority believes that the site would be of better use if a single well-designed scheme rather than what can be achieved by conversion of some of the existing structures on the site.
- 14.3.26** It must also be noted, that if the Prior Notification path is undertaken, a further planning application seeking that the rest of the site be developed at a later date could be received intensifying the site further than that proposed by this application. If the proposal was undertaken via a Prior Notification application the site would not benefit from the additional level of Biodiversity net gain that this application proposes on the site.
- 14.3.27** This agent has confirmed that there would be a Management Company appointment/formed in order to take care of the areas of Biodiversity that the redevelopment of the site would create along the eastern boundary of the site creating a biodiversity corridor with the existing woodland that is adjacent to the byway that runs to the east of the site.
- 14.3.28** It is therefore necessary to establish if the 'tilted balance' is engaged in decision making in this instance, in terms of the contribution this proposed development makes to housing land supply within Uttlesford, the proposed biodiversity gain and the preference of the Local Planning Authority for this site to be the subject of a comprehensive redevelopment through a single planning application as opposed to a piecemeal redevelopment that could occur via a combination of prior notification proposals and planning applications.
- 14.3.29** Due to the size of the application, Essex County Council SUDS Team have not been consulted on the application as it is not of a scale of development that they would comment upon.
- 14.3.30** With regard to the recent refusal of single dwelling at Hyde Farm, it must be noted that the application was not on previously developed land, it does not benefit from a fall-back position and did not contribute as many dwellings to the LPA's land supply. For this current application, the dwelling adjacent to the Listed Building is also being considered as a Replacement dwelling.
- 14.3.31** With regard to the recent refusal of 7 no. dwellings at Springwell Nursery, this application proposed more dwellings within a much smaller site. It was refused on a number of reasons that included Highways, Flood Risk, Ecology, the application whilst it could be considered previously developed land adjacent to a Listed Building such as 'Woodside Farm'

the proposal did not benefit from a 'Fall-Back' position in which to convert the buildings on the site.

**14.3.32**     Planning Balance

The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. As the council is currently unable to demonstrate a five-year housing land supply, 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).

**14.3.33**     *Therefore, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole.*

**14.3.34**     The proposed development will result in a small level of economic and social benefit. Together these elements are considered to carry limited weight in support of the scheme.

**14.3.35**     It must be noted that whilst the proposal introduces built form into the countryside, it also proposes the removal of 3100m<sup>2</sup> of built form within the site, by the removal of these existing structures, it will lessen the overall impact of the development and reduce the urban sprawl.

**14.3.36**     Against this proposed scheme, would be the impact upon the openness of the countryside and impact towards the adjacent Listed Building. The proposal would have a detrimental impact and cause harm to the specific rural character of the site and surrounding area by urbanising and domesticating the site unduly.

**14.3.37**     Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will outweigh the negatives of the development as a whole and as such the Tilted Balance is engaged in this respect.

**14.3.38**     The principle of development is therefore considered to be acceptable and would be in accordance with Uttlesford Local Plan Policies S7, H1, H7, H10 and the National Planning Policy Framework (2021)

**14.4**        **B) Whether means of access would be satisfactory / sustainable transport measures**

**14.4.1**       The Local Highway Authority has been consulted and have no objection to the proposal subject to conditions.

- 14.4.2** There are no Highway objections to the application for the alteration of the existing access in order to provide a type f minor access road and for the erection of 4 no. new dwellings along with the 1 no. single replacement dwelling within the site.
- 14.4.3** The proposed development would be served by this minor access road into the site from the classified Gallows Green Road (Class III). Prior to the commencement of the development a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway is to be submitted and approved in writing by the Local Planning Authority in order to ensure that disruption to the local residents and other road users is kept to a minimum.
- 14.4.4** The proposals do not obstruct the definitive line of the adjacent byway number 5 (Lindsell).
- 14.4.5** Parking is indicated on hard landscaping plan (no: 1329-02) and each dwelling will benefit from a garage and there is sufficient room to park a vehicle on the hard standing within the site without leading to on street parking which would result in obstructing the highway.
- 14.4.6** It is therefore concluded that the proposal, subject to conditions accords with the above policies and guidance insofar as they relate to highway safety and parking.

**14.5 C) Heritage Impacts**

- 14.5.1** To the south of the application site lies 1 no. Grade II listed building.
- 14.5.2** 'Peartree Cottage' is of c16 construction, it is a one storey with attics and is timber framed and rendered. The roof is thatched, half hipped with an eyebrow dormer. The windows are later c19 casements.
- 14.5.3** In terms of impacts upon the Grade II listed buildings, the Historic Environment Team Place Services Essex County Council commented on the application in October 2021, making the following observations:
- 14.5.4** *"It should firstly be understood that whilst the existing buildings are not considered to be of any historic or architectural merit and their demolition would not be objectionable, the agricultural use of the site is considered to preserve the setting of the adjacent listed building, Peartree Cottage, and the prevailing rural character of the site. The submitted Heritage Statement shows that Peartree Cottage, previously known as 'Stevens' has historically been located in an isolated and rural position, the earliest map being the Chapman and Andre Map of 1777. There is also a known functional link between the application site and Peartree Cottage, therefore raising the sensitivity of the designated heritage asset as identified within the Heritage Statement."*

- 14.5.5** *"I acknowledge that the existing application site does not make a positive contribution to the significance of the heritage asset however the proposed development of five dwellings would result in an impact to the setting of the heritage asset which must be considered."*
- 14.5.6** *"The proposed development would be of a distinctly residential and more urban character, contrary to the existing prevailing rural character of the site. Peartree Cottage, which shares a functional link with the application site, would no longer be experienced within an isolated rural position but rather as part of a residential development. Thus, there would be a low level of less than substantial harm to the significance of the designated heritage asset, Paragraph 202 being relevant."*
- 14.5.7** *"Notwithstanding the above in principle concerns, there are concerns regarding scale and massing of the proposed development. Whilst the existing buildings are not considered to be of a positive contribution to setting, their low form is considered successful towards preserving the setting of the heritage assets. Pre-Application Advice stated that 'by keeping the ridge heights of the buildings no higher than that of Peartree Cottage, the development would not compete visually with the listed building.'"*
- 14.5.8** *"The proposed development is of an increased height from the existing buildings, including Peartree Cottage, therefore Pre-Application Advice has not been responded to. In particular, Plot E and D is of concern as these would likely be visually intrusive within the immediate setting of the listed building."*
- 14.5.9** *"The proposed addition of large residential buildings within the rural setting of the designated heritage asset would result in additional less than substantial harm. Furthermore, whilst I acknowledge that a 'barn' aesthetic has been used, the form of the buildings and the quantity of glazing would not be, in my opinion, reflective of local vernacular architecture. Therefore, I do not consider the proposals to result in a positive contribution to local character and distinctiveness contrary to Paragraph 197.c, and the proposals are considered contrary to Paragraph 206."*
- 14.5.10** *"To conclude, the proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through inappropriate development in its setting. With regards to the NPPF, Paragraphs 197.c, 202 and 206 are considered relevant."*
- 14.5.11** Whilst it is noted that there is a level of harm introduced with the redevelopment of the site, the Conservation Officer has indicated that it is at the low end of the scale of less than substantial harm
- 14.5.12** The redevelopment of the site from its current use is considered to be more appropriate than its previous use and even though the proposed

dwellings are of a large scale they are predominantly single storey in nature and the proposal seeks to open up the site would seek to return a large amount of the site with the addition of a number of biodiversity improvements along the eastern boundary.

**14.5.13** With the Local Planning Authority not having an up to date Local Plan and without being able to demonstrate a 5YHLS, applications that demonstrate low harm to the Heritage Assets are looked at and weighed up against the Tilted Balance in order to make a balanced decision.

**14.5.14** In terms of the “tilted balance”, as set out in A of this Section of the Report, paragraph 202 of the National Planning Policy Framework 2021 (NPPF) advises that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

**14.5.15** Colleagues at the Place Services Historic Environment Team have advised that the harm to the setting of Peartree Cottage would cause less than substantial harm weighted to be at the low level of the scale as set out in paragraph 202 of the NPPF (2021). Furthermore, the proposal would contribute to the shortfall of housing land supply within Uttlesford, which currently stands at 4.89 years (April 2022).

**14.5.16** Therefore, and on balance, the proposed development by virtue of its contribution to the housing land supply would tilt the balance in favour of development in this location and would comply with the provisions of Uttlesford Local Plan Policy ENV2.

## **14.6 D) Design, Layout, Scale and Appearance**

**14.6.1** The application proposes the creation of 4 no. dwellings, including the replacement of the existing bungalow to make a total of 5 no. dwellings within the site.

**14.6.2** In terms of design, the submitted Design and Access Statement goes into further details with regard to the house types proposed, but the following table demonstrates the number of bedrooms, maximum measurements and the building footprint.

**14.6.3** Currently the built form footprint on the site is approximately 4700m<sup>2</sup>, this proposal proposes a total building footprint of approximately 1562m<sup>2</sup> including both the dwellings and their associated garaging.

<b>14.6.4</b>	<b>Plot</b>	<b>House Type</b>	<b>Bed rooms</b>	<b>Eave s heig</b>	<b>Ridg e heig</b>	<b>Buildi ng width (m)</b>	<b>Buildi ng depth at max</b>	<b>Buildin g footprint (m<sup>2</sup>)</b>
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			ht (m)	ht (m)		point (m)	
Plot A	Detached	5	3.5	7.56	45.85	17.2	448
Plot B	Detached	4	3.45	7.56	33.40	10.35	224
Plot C	Detached	4	2.65	7.46	26.66	19.4	322
Plot D	Detached	4	2.29	7.44	32.48	17.8	332
Plot E	Detached	4	4.75	7.46	13.7	15.8	113

- 14.6.5** The proposed dwellings would comprise of 1 no. 2 storey dwelling and 4 no. single storey dwellings. The two-storey dwelling set to the front of the site adjacent to the Listed Building with the single storey barn style dwellings flanking the new F-Type access road.
- 14.6.6** Plot A, the largest plot is situated at the end of the shared drive, it is single storey and resembles a barn conversion in terms of design. It is a of U-shaped construction with a taller central section with the flanking wings dropping in height either side of the central core, the principal elevation of the dwelling faces to the south. The dwelling has been designed and is set in this location as to draw the eye up the site adding visual interest to the site. This plots parking is off set to the eastern side and screened by Plot B.
- 14.6.7** Plot B is situated on the eastern side of the access road, the larger massing of dwelling is located at the northern end stepping down respectively towards the south of the site. The principal elevation of the dwelling faces to the west. This plot's parking is set to the south of the site and screened by biodiversity corridor.
- 14.6.8** Plot C is situated on the western side of the access road. It is of L-shaped construction It is single storey in nature and following a barn conversion form of design. Its parking sits to the side of the proposed dwelling to the southern side, against the boundary of Plot D.
- 14.6.9** Plot D is also situated on the western side of the access road. It is of T-shaped construction It is single storey in nature and following a barn conversion form of design. Its parking sits to the side of the proposed dwelling to the southern side, against the parking for Plot E.
- 14.6.10** Plot E is situated on the western side of the access road. It concerns the replacement dwelling for the current bungalow that is on the site. It is of T-shaped construction of modern design, two-storey in nature and forms as a break from the barn conversion design as used predominantly on the rest of the site.
- 14.6.11** Its parking sits to the side of the proposed dwelling to the northern side, against the parking for Plot D. It is set back from the road frontage; however, it is marginally closer to the western boundary than the existing bungalow. The scale of the proposed replacement is no higher than the adjacent listed building.

**14.6.12** All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings with 3 bedrooms or more should have private amenity spaces of 100sqm+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide (as shown in the table below)

<b>14.6.13</b>	<b>Plot</b>	<b>House Type</b>	<b>Garden Size m<sup>2</sup></b>	<b>Parking</b>
	Plot A	Detached	1413	4
	Plot B	Detached	466	4
	Plot C	Detached	803	4
	Plot D	Detached	1011	4
	Plot E	Detached	629	4

**14.6.14** Each plot has sufficient garden amenity space in excess of the amenity standards to serve the property they serve. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.

**14.6.15** Each plot would have sufficient parking provision for the dwelling that is constructed on each plot. The on-plot provision parking provided for the plots within the development would exceed the minimum parking standards for the bedroom specification of dwelling involved. Whilst there are no specific designated visitor parking spaces, each dwelling would exceed the parking standards leaving 1 no. additional parking space per dwelling that would not lead to parking on the access road within the site.

**14.6.16** The road has been set out to have the appearance of a rural lane/farm track. Referring to the vehicle tracking diagram, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.

**14.6.17** The residential cul-de-sac as proposed by this application has taken inspiration from the Essex Design Guide from Essex County Council. It proposes a Minor Access Type F street, which incorporates a 6m shared surface, coupled with a 0.5m buffer either side.

**14.6.18** In terms of appearance, the 4 no. new dwellings to the rear of the site would be of Barn style design.

**14.6.19** The proposed barns would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, red brickwork, black weatherboard cladding, black timber windows and doors, handmade clay roof tiles.

- 14.6.20** The 1 no. proposed replacement dwelling would be of two storey construction and be of modern design incorporating a palette of traditional materials through the use of brickwork plinths, red brickwork, painted render, black timber windows and doors, handmade clay roof tiles.
- 14.6.21** As there a mixture of styles in the locality, the agent seeks to provide modern housing in a traditional vernacular that would respect the character and appearance of the local area.
- 14.6.22** It is accepted that the dwellings, namely the dwelling on Plot A is of a large size and scale, however the site is of a scale that can accommodate dwellings of this size, if the site was to proposed additional dwellings, whilst it would not be considered overdevelopment of the site, it more than 5 no. dwellings would be out of keeping with the locality and would number more dwellings than the existing hamlet.
- 14.6.23** The proposed new dwellings are of a single storey construction in nature bar the 1 no. replacement dwelling set the front of the site which is a two-storey dwelling, which leads them to be larger than their two storey counterparts and they are not of a height in excess of the Listed Building located to the southwest of the site.
- 14.6.24** In terms of appearance, layout, scale and landscaping are considered to be acceptable, whereby this would provide modern housing in a traditional vernacular it is considered that would respect the character and appearance of the local area.
- 14.6.25** However, the proposed properties would incorporate traditional building methods and materials would be used. A palette of materials would be used through the use of brickwork plinths, painted render, flint, timber windows and doors, exposed rafter feet, hand-made clay tiles and natural slate
- 14.6.26** The range of materials presented is considered to be acceptable and appropriate for the site's countryside setting.
- 14.6.27** The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of Uttlesford Local Plan Policies GEN2 and GEN4

**14.7 E) Environmental Health**

- 14.7.1** Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to a condition stipulating the submission of a Demolitions and Construction Method Statement has been submitted, that a Contaminated Land Risk Assessment is undertaken and submitted to the Local Planning Authority along with any required remediation works required prior to any works commencing on site, and for the installation of electric vehicle charging



points to minimise the impact of the development on the air quality of the area.

- 14.7.2** The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land in accordance with policies GEN5, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2021).

## **14.8 F) Ecology**

- 14.8.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 14.8.2** Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are “*satisfied that there is sufficient ecological information available for determination.*” subject to conditions securing biodiversity mitigation and enhancement measures.

- 14.8.3** Given the site’s close proximity to the adjacent Gallow Wood Marsh and Gallows Wood Local Wildlife Sites, Ecology have requested that a Pre-Commencement condition to secure a Construction Environmental Management Plan for Biodiversity is undertaken prior to commencement of any works on site in order to demonstrate how these non-statutory designated sites will be protected from construction impacts such as dust.

- 14.8.4** Ecology are also supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.

These include:

- The installation of one integral bird, bat and invertebrate box per new building
- 10 tree mounted bird and bat boxes
- New tree and hedgerow planting
- An ecological buffer zone
- Creation of wildflower meadow and the inclusion of native/wildlife friendly planting in the landscape scheme

- 14.8.5** Additional conditions requiring compliance with the Ecological Appraisal Recommendations, the submission of a Biodiversity Enhancement Strategy and a Wildlife Sensitive Lighting Design Scheme have been sought with any forthcoming grant of permission.

**14.8.6** As such, the proposal as submitted would comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2021).

**14.9 G) Accessibility**

**14.9.1** Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

**14.10 H) Impact on neighbours and amenity**

**14.10.1** According to Uttlesford Local Plan Policy GEN2, development will not be permitted unless it does not have an adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, or overbearing impact.

**14.10.2** The closest building proposed new dwelling would be located to the western boundary known as 'Peartree Cottage', the proposed dwelling sited within Plot E is sited approximately 30m from the proposed new two storey dwelling.

**14.10.3** However, at this separation distance, it is not considered that the application due to its size, scale and proposed usage would result in any material detrimental overlooking, overshadowing or overbearing, therefore would not adversely impact on neighbour's amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

**14.10.4** According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

**14.10.5** The Councils Environmental Health Officer has been consulted with regard to this aspect of the proposal and they have no objections. Due to the current use and potential use of the development it will not negatively impact neighbouring properties.

**14.10.6** In order to protect the site from over development and to protect the amenities of the neighbouring dwellings, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

**14.10.7** No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2021).

## **14.11 I) Landscaping**

- 14.11.1** A proposed soft landscaping scheme has been submitted with the application. The proposal intends to introduce additional native hedgerow and tree planting within the site along with a wildflower meadow land on both sides. Along the properties frontages a mixed native species of hedgerow is proposed in order to create a soft semi-rural character and definition between the plots and to act as additional screening to the west of the site to help screen the site from the west.
- 14.11.2** Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.
- 14.11.3** Essex County Councils Ecologist has commented on the proposal, they are *“satisfied that there is sufficient ecological information available for determination.”* subject to conditions securing biodiversity mitigation and enhancement measures. They are supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.
- 14.11.4** The proposed mix of planting is considered to be appropriate for this rural site and no objections are therefore raised under Uttlesford Local Plan Policies GEN2, GEN7 and ENV3

## **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 following is a summary of the main reasons for the recommendation:

- 16.2** The principle of the development is acceptable to the Local Planning Authority.

- 16.3** The Highways Authority are satisfied that the proposal is acceptable, and they have no objections to the proposal subject to conditions.

- 16.4** On balance, when the proposal is weighed against the public benefits provided the tilted balance would be engaged, the proposal would secure optimum use of the land whilst minimising the harm to the adjacent heritage asset.

- 16.5** The proposed design, layout, scale and housing mix is considered to be appropriate for this rural site.

- 16.6** Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.

- 16.7** No objections have been raised by Environmental Health.

- 16.8** The proposal would comply with the aims of Part M of the Building Regulations.

- 16.9** No objections have been raised with regard to the impact on neighbouring dwellings.

- 16.10** The proposed landscaping scheme is considered to be appropriate for this rural site.

- 16.11** The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

**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 Prior to commencement of the development hereby approved, a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, as well as vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

REASON: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 3 Prior to commencement of the development hereby approved, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include protection of Gallow Wood Marsh and Gallows Wood Local Wildlife Sites.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 4** No development other than that required to be carried out as part of an approved scheme of remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority.

This assessment must be based on findings and recommendations of the Contaminated Land Risk Assessment prepared by SES Ref: CON96-DUNM-008 and shall assess any contamination on the site, including ground gas, whether or not it originates on the site, and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11.

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

- 5** No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the local planning authority.

The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 6** Prior to works above Slab Level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 7** Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 103.4 metres to the east and 2.4 metres by 110 metres to the west as shown on Drawing No. JNY11217-RPS-0100-001, 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 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8** Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 6 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 9** 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.

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

- 10** Prior to occupation of the proposed development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important

routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 11** Prior to occupation, the dwellings shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 12** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd., June 2022) and Reptile Survey Report (T4 Ecology Ltd., August 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 13** If found to be necessary from the findings of the risk assessment, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority.



The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 14** The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out must be to and approved in writing by the Local Planning Authority.

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

- 15** If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination.

Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

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

- 16** No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Public Holidays, or before 7.30am or after 6.00pm on Monday to Friday or before 7.30am or after 1.00pm on Saturdays.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 17** Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 18** All single garages should have a minimum internal measurement of 7m x 3m.  
All double garages should have a minimum internal measurement of 7m x 5.5m  
All tandem garages should have minimum internal measurements of 12m x 3m.

REASON: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 19** All Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 20** The public's rights and ease of passage over byway no 5 (Lindsell) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21** All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space.

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

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 23** During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. The pond should not become a haven for waterfowl.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 24** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 25** All hard and soft landscape works 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 proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 26** 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

- 27** The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development and to accord with Policies GEN2 and ENV2 of the Uttlesford Local Plan 2005.

- 28** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, E and F of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and protect the amenities of the neighbouring dwellings, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (2005).

## APPENDIX 1 – ECC HIGHWAYS COMMENTS

Please find recommendation below.

Application No: UTT/22/1764/FUL

Proposal: Demolition of existing dwelling and erection of replacement dwelling. Alterations to existing access to provide a type f minor access road. Demolition of 4568.8 square metres of intensive poultry rearing/production buildings and associated hardstandings/structures. Erection of 4 no. detached dwellings with associated garaging, parking and gardens. Provision of ecology areas.

Address: Woodside Farm Gallows Green Road Great Easton Essex CM6 3QS

The documents accompanying the planning application have been duly considered. Given that the proposed development is not expected to generate additional trips compared to the existing permitted use of the site when fully operational, the proposal is acceptable to the Highway Authority, subject to the following requirements;

1. Prior to commencement of the development a construction traffic management plan, to include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, as well as vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.  
**Reason:** To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
2. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 103.4 metres to the east and 2.4 metres by 110 metres to the west as shown on Drawing No. JNY11217-RPS-0100-001, 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 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 6 metres for at least the first 6 metres

from the back of carriageway and provided with an appropriate dropped kerb crossing.

**Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

**Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

**Reason:** To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. All single garages should have a minimum internal measurement of 7m x 3m  
All double garages should have a minimum internal measurement of 7m x 5.5m  
All tandem garages should have minimum internal measurements of 12m x 3m

**Reason:** To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. All Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

**Reason:** To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. 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.

**Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

9. The public's rights and ease of passage over byway no 5 (Lindsell) shall be maintained free and unobstructed at all times.

**Reason:** To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### *Informative*

- *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 byway no 5 (Lindsell) 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 temporarily closing 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.*

- *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)*

- *On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.*
- *The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.*

*Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*