

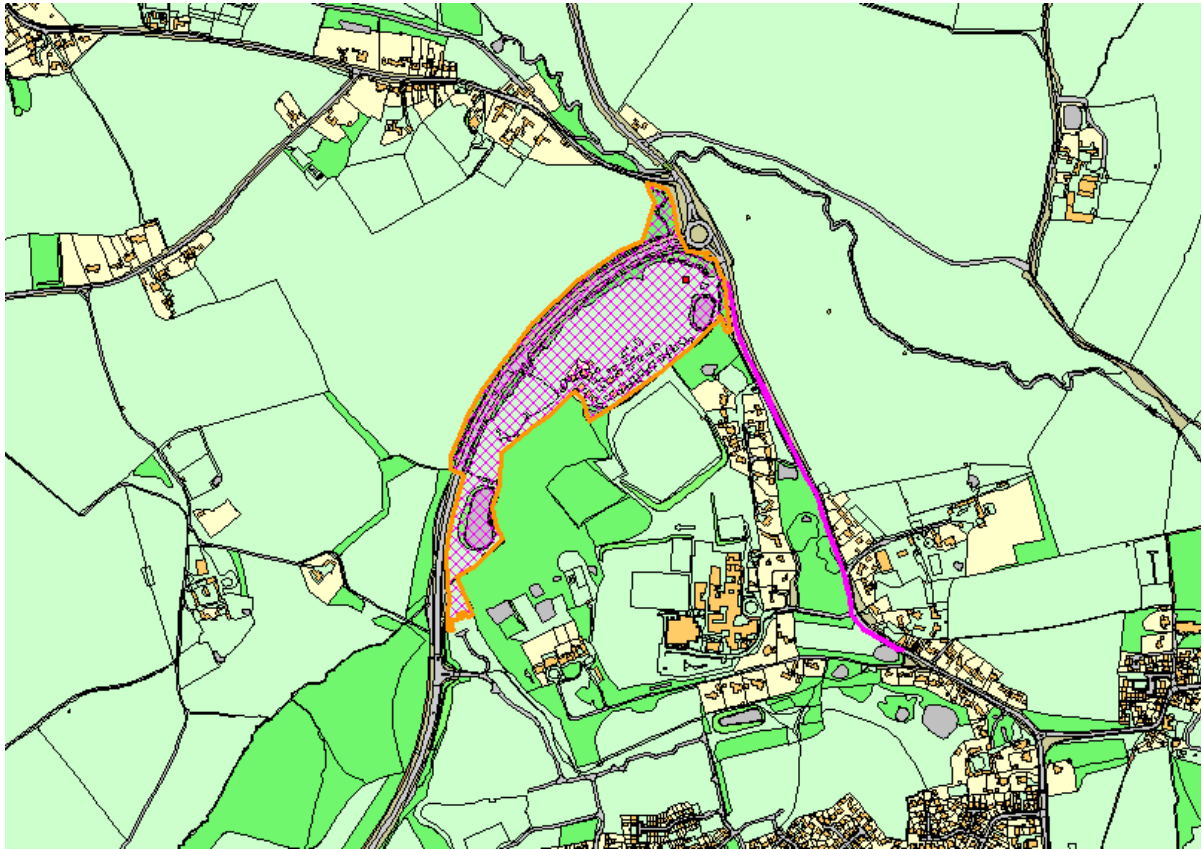
ITEM NUMBER: 3

PLANNING COMMITTEE 22 February 2023
DATE:

REFERENCE NUMBER: UTT/22/2052/FUL

LOCATION: Sector IV Woodlands Park Great Dunmow,
Parsonage Downs, Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.

APPLICANT: Mr Stephen Hammond - Wickford Development Company Limited

AGENT: Mr Melville Dunbar - Melville Dunbar Associates

EXPIRY DATE: 3 November 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits; site within 2KM of SSSI; Tree Preservation Order; within 250m of Ancient Woodland (Fredericks Spring) & within 250m of County Wildlife Site.

REASON THIS APPLICATION IS ON THE AGENDA: Major planning application.

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought to revise a scheme approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.
- 1.2** Application UTT/2507/11/OP granted permission for the demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow North West By-pass of approximately 0.55km in length (approved under Ref.No. UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane). Removal of existing spur from roundabout. This was determined in August 2012.

- 1.3 As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.4 Given the extant permission that has commenced and is partially complete and occupied, this would be considered a ‘fallback’ position in considering what is acceptable at the site. Albeit given reduced weight as the applicant considers this to be an unviable option.
- 1.5 The proposals would significantly boost the Councils housing supply including the provision of affordable housing. Furthermore, weight has been given in respect to the completion of the northwest bypass and the provision of public open space. The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.6 Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. **RECOMMENDATION**

- 2.1
- That the Director of Planning be authorised to **GRANT** planning permission for the development subject to those items set out in section 17 of this report –

 - A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
 - B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.
- 2.2 In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the proposals cannot be tested against a fully up-to-date Development Plan and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

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

1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

3. SITE LOCATION AND DESCRIPTION:

3.1 The site is former agricultural land and has an area of 11.1 hectares. The land is enclosed by the route of the bypass and 5.5 hectares is proposed for residential development. It has a curving; almost crescent shape and its northern and western edges are defined by the line of Woodside Way (B184).

3.2 From the line of Woodside Way, the site slopes down towards Hoglands Brook on the south-eastern boundary and there is an overall slope down from west to east. To the south are areas of woodland and the playing fields of the Helena Romanes Secondary School.

3.3 The site is not located within a conservation area and there are no listed buildings on the site. However, the Great Dunmow Conservation Area is located over 100m due southeast of the site, where there are a number of Grade II Listed buildings. The site is located outside development limits and is also located outside of the Great Dunmow Neighbourhood Plan boundary.

4. PROPOSAL

4.1 Full planning permission is sought for the Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings).

4.2 The proposal involves a revised scheme involving 3 separate areas that were included as part of the site for the construction of up to 125 No. dwellings approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO. The 3 parcels of land would include the following:

- 4.3**
- Parcel A: 8 dwellings comprising 2 x social/affordable rented dwellings, 3 x shared ownership dwellings and 3 x 4-bedroom open market dwellings;
 - Parcel B: 17 open market dwellings comprising 16x3 bedroom dwellings and 1x5 bedroom dwelling;
 - Parcel C: 3 open market dwellings comprising 2x5 bedroom dwellings and 1x3 bedroom dwellings.

- 4.4** As part of the original application, the proposal included the completion of the northwest bypass, 40% affordable housing units and 3 hectares of public open space.
- 4.5** This application has been submitted alongside a deed of variation application (UTT/22/1508/DOV) to amend the S106 to reduce the Affordable Housing requirement from 40% on site to 23.7% by way of disposing of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing.
- 4.6** As part of this proposal, the layout of the site has been amended and the number of units on the site overall would be reduced from 125 to 118. In addition, the 'affordable housing units' on the site would be reduced from 50 to 28.

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**
- UTT/2507/11/OP - Demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow Northwest By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right-hand turn lane). Removal of existing spur from roundabout - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 02/08/2012.
 - UTT/13/1663/DFO - Details following outline application UTT/2507/11 for demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow North West By-pass of approximately 0.55km in length (approved under Ref No. UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane). Removal of existing spur from roundabout -

Details of appearance, landscaping, layout and scale - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex - Approve with Conditions – 25/06/2013.

- UTT/13/3368/FUL - Removal of condition 11 (The plans and particulars submitted shall achieve a "code for sustainable homes" rating of "level 4") and condition 12 (Onsite renewable or low-level carbon energy technologies to provide 10% of the annual energy needs) of planning permission UTT/2507/11/OP. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex – Approved – 24/06/2013.
- UTT/13/3393/FUL - Removal of condition 4 (further details of the youth shelter required in accordance of condition 19 shall be submitted to and approved by the local planning authority before the occupation of the 30th open market housing unit.) from planning permission UTT/13/1663/DFO. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex – Approved – 15/05/2014.
- UTT/13/3439/FUL - Removal of condition 19 (the plans and particulars submitted shall include a scheme for the provision of a youth shelter to be installed on open space of the development.) from planning permission UTT/2507/11/OP. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Great Dunmow Essex – Approved – 15/05/2014.
- UTT/14/2989/NMA - Non-Material Amendment to UTT/13/1663/DFO - Minor changes to application boundary, enlargement of rear gardens to plots 124 and 125, enlargement of area of public open space, removal of area of land comprising the dam and outfall to the adjoining Victorian pond - Sector 4 Woodlands Park Great Dunmow – Approved – 17/10/2014.
- UTT/17/2900/NMA - Non-Material Amendment to UTT/13/1663/DFO - Revisions to Plots 57, 58, 63, 64, 65, 71, 105, 110, 111, 112, and 124. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Approved – 09/04/2018.
- UTT/20/0878/NMA - Non-Material Amendment to UTT/13/1663/DFO - adjust curtilage of plots 114, 124 & 125 to provide usable garden space from surplus open space land adjacent to plots - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Approved – 23/07/2020.
- UTT/22/2735/NMA – Non-material amendment to UTT/13/1663/DFO - Plot 68 Garage moved back 1.5m; Plot 69 Garage moved back 1m; Plot 70 House repositioned and garage moved back 1m; Plot 72 Garage moved back 6m to provide additional parking; Plot 82 HT T replaced with HT N2 and detached garage; Plot 86 Garage moved

back by 1.3m; Plot 87 Garage moved back by 6m to provide additional parking; Plot 88 Garage moved back by 1m; Plot 89 Garage moved back by 0.5m; Plot 91 removed driveway gates; Plot 92 Garage moved back by 0.5m; Plot 93 Garage moved back by 0.5m; Plot 94 Garage moved back 0.5m; Plot 109 Garage moved back by 1m and Plot 113 Garage moved back by 1m. - Sector 4 Woodlands Park Great Dunmow Parsonage Downs Dunmow – Approved – 02/11/2022.

- UTT/22/1508/DOV - Deed of Variation (DoV) to the Section 106 (S.106) attached to Planning Permission UTT/2507/11/OP to reduce the Affordable Housing requirement to 23.7%, to dispose of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing. - Sector 4 Woodlands Park Great Dunmow – yet to be determined.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** No formal pre-application discussions or community consultation have taken place. However, extensive discussions with the Council and community took place as part of the original application for the site.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – Comments provided.

- 8.1.1**
1. The parcel B road is 100m long and so a traffic calming feature is required for it to be part of the proposed 20mph zone. The dark lines may indicate traffic calming but it is not clear as there is no key. On a shared surface cushions may be used but not road humps.
 2. The visibility splays to the access road should be shown (2.4 by 43m). All vegetation should be planted 1m clear of the visibility splays.
 3. In Parcel B there are 17 dwellings but only 2 visitor parking space, rather than 4 as required in the Essex Parking standards. Although Parcel B has more than required a better distribution of spaces would help ensure inappropriate parking does not take on the shared surface in plot B

8.2 Highways Agency – No Objection.

- 8.2.1** We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any severe impact upon the Strategic Road Network (SRN).

8.3 Local Flood Authority – No Objection.

- 8.3.1** Do not object to the granting of planning permission subject to the condition that all surface water drainage provision shall comply with the design for the approved scheme except as necessary to accommodate the amended layout of housing units.

9. Great Dunmow Town Council Comments – No comments received

10. CONSULTTEE RESPONSES

10.2 UDC Environmental Health – No Objection.

10.2.1 No objection in principle, subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 Place Services (Ecology) – Holding Objection

10.4.1 Due to insufficient ecological information – Out of date report.

10.5 Aerodrome Safeguarding – No Objection.

10.5.1 No aerodrome safeguarding objections to the proposal subject to conditions.

10.6 NATS – No Objection.

10.6.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

10.7.1 Comments UDC Housing Enabling Officer – Objection

10.7.2 This proposal raises concerns and I therefore object to the application for the following reasons:

1. Total segregation of the affordable housing from the market housing in a single cluster of 28 properties.
2. On site delivery of the affordable homes directly by the developer is expected and is the norm for a site totalling 118 properties and there is no valid reason to make an exception in this case.
3. The mix of the proposed 28 affordable homes upon the land for transfer to a Registered Provider does not correspond with the identified affordable housing need in the SHMA 2017.

The affordable housing provision previously approved for the site via application UTT/13/1663/DFO consisted of three separate clusters of affordable housing including a cluster with lower density semi-detached properties with in-curtilage parking provision. The three separate clusters when considered together provided a good mix of affordable properties which met the identified housing need at the time.

The cluster of 28 affordable homes proposed via the transfer of land to an RP would be totally segregated from the market housing, be higher density and the proposed mix does not meet the identified housing need.

Affordable Rented housing identified need: SHMA 2017	%	Proposed affordable housing mix upon the land to be sold to an RP for £1	Number	%
1-bedroom flat	16.5 %	1-bedroom flat	6	21%
2-bedroom flat	12%	2-bedroom flat	10	36%
2-bedroom house	30%	2-bedroom house	7	25%
3-bedroom house	32%	3-bedroom house	3	11%
4-bedroom house	9.5%	4-bedroom house	0	0%
		1-bedroom bungalow	2	7%
Total	100 %	Total	28	100 %

The SHMA 2017 states that the combined need for affordable rented 1- and 2- bedroom flats equate to 28.5% whereas the applicant is proposing that 16 of the 28 affordable properties upon this site be 1- and 2- bedroom flats which equates to 57% of the proposed affordable housing provision. This is double the percentage of flats which the SHMA 2017 identifies as being required.

The proposal to include two 1-bedroom bungalows is welcomed but more 3-bedroom houses need to be included within the proposed affordable housing mix.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report.

- 48 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 0 Comments received.

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

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

12.4 The Development Plan

12.5 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great & Little Chesterford Neighbourhood (made Feb 2023)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021)

13.3 Uttlesford Local Plan 2005

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy

ENV5 – Protection of Agricultural Land

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing development

H9 – Affordable Housing

H10 – Housing Mix

13.4 Great Dunmow Neighbourhood Plan

Policy DS1: TDA: Town development Limits

Policy DS8: Building for Life

Policy DS9: Hedgerows

Policy DS10: Eaves Height

Policy DS11: Rendering, Pargeting and Roofing

Policy DS12: Integration of Affordable Housing

Policy DS13: Local Housing Needs

Policy LSC1: Landscape, Setting and Character

Policy GA-A: Public Transport

Policy GA2: Integrating Developments (Paths and Ways)

Policy GA3: Public Transport

Position: HEI-A: Infrastructure Delivery

Policy NE1: Identified Woodland Sites

Policy NE2: Wildlife Corridors

Policy NE3: Street Trees on Development Sites

Policy NE4: Screening

Policy S0S3: Children's Play Space

13.5 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Background**
 - B) Principle of Development**
 - C) Design & Neighbouring Amenity**
 - D) Affordable Housing**
 - E) Access and Parking**
 - F) Nature Conservation & Trees**
 - G) Climate Change**
 - H) Contamination**
 - I) Flooding**
 - J) Air Quality**
 - K) Planning Obligations**

14.3 A) Background

14.3.1 As noted above, it is pointed out that the proposed development follows a previously approved scheme relating to for the construction of up to 125 No. dwellings approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO. The works regarding this application have commenced, with a number of units completed and occupied. The changes made as part of this application are as follows:

14.3.2 Parcel A: This originally comprised 8 dwellings, 2 of which were allocated for affordable units, (Plots 17 & 16) with 6 open market dwellings. The make-up of this parcel would still include 8 dwellings; however, it would now comprise 2 x social/affordable rented dwellings (Plots 16 & 17) amended to bungalow units, 3 x shared ownership dwellings (Plots 9-11) and 3 x 4-bedroom open market dwellings (Plots 6-8). There would be alterations to the layout of the road with layout and design of Plots 6-11 being altered.

14.3.3 Parcel B: This originally comprised 20 dwellings, 18 of which were allocated for affordable units (Plots 39-56), with 2 open market dwellings (Plots 38 & 57). The make-up of this parcel would be reduced by 3 units to 17 dwellings, all for open market, comprising 16x3 bedroom dwellings and 1x5 bedroom dwelling. This would involve alterations to the layout of the dwellings and the road.

14.3.4 Parcel C: This originally comprised 7 dwellings, all of which were allocated for affordable units (Plots 73-79), including 1 detached dwelling, a pair of semi-detached dwellings and an apartment block of 4 dwellings. The make-up of this parcel would now include only 3 open market dwellings comprising 2x5 bedroom dwellings and 1x3 bedroom dwellings. A reduction of 4 units.

14.3.5 Overall, the proposed amendments would result in a reduction of the number of units across the site by 7 dwellings. The affordable housing units would be removed from Parcels B & C, with an increase of 3 affordable housing units within Parcel A.

14.4 B) Principle of development

Housing Delivery & Extant Permission

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

14.4.2 Policy DS13 – Local Housing Needs of the Great Dunmow Neighbourhood Plan highlights that residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom including bungalows which accommodate the needs of the elderly.

14.4.3 The principle of residential development on the site has already been established by reason of the granting of outline planning permission UTT/2507/11/OP and details approved under UTT/13/1663/DFO. The works regarding the scheme have commenced with 14 units complete and occupied, with a number of units partially completed. As such, this is an extant permission and a material consideration.

14.4.4 One of the material considerations weighing in favour of granting the original permission, amongst others, was that the proposal involved the provision of affordable housing in compliance with the Council's Local Plan Policy H9 requirement of 40%. This was a public benefit of the scheme that helped to justify harm caused by the development by being outside development limits (Policy S7 of the Local Plan). Other benefits of the development included the completion of the North-West By-pass (B184) and that the proposal would make a substantial addition to the district's housing land supply and the provision of public open space.

14.4.5 The applicants submits that the current proposal, including the provision of 40% affordable units is not viable. As such, the material fall-back position of the extant scheme is given reduced weight.

Development Limits

- 14.4.6** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 14.4.7** The application site is located outside of the development limits and in the countryside. Uttlesford Local Plan policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 14.4.8** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.4.9** A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. As part of the original application, it was considered that the proposal would be contrary to this policy, and this is still considered to be the case.

Policy Position

- 14.4.10** As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.4.11** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.4.12** The introduction of built form in this location would result in some harm to the openness and character of the rural area and therefore would be contrary to the aims of policy S7. However, this was considered as part of the original permission and the material considerations of the provision of

the northwest bypass, affordable housing provision, supply of housing and public open space was considered to outweigh the harm caused.

- 14.4.13** Given the extant permission, and that the proposals cannot be tested against a fully up-to-date Development Plan and that policy S7 are not fully consistent with the NPPF, conflict with such policies should be given moderate weight. The proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that the social and economic benefits would outweigh the environmental harm identified within this report and, therefore, when reviewed against the aforementioned policies, the proposal is, on balance, considered to be acceptable in principle.

14.5 C) Design & Neighbouring Amenity

Design

- 14.5.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.5.2** The proposed physical alterations would be relatively minor in relation to the extant scheme. The number of dwellings would be reduced, lessening the visual impact of the development when compared to the extant scheme. The proposed dwellings would be up to 2 and ½ storeys, as per the extant permission and would be of similar design, materials and proportions to that of the approved development.
- 14.5.3** As noted, as part of the assessment of the reserved matters application UTT/13/1663/DFO, the proposed '*two and a half storey buildings would be taller than the two-storey dwellings however the difference in height would not be so materially different that the higher properties would be particularly prominent. The visual prominence would be further reduced as a result of the proposed landscaping and as such the two and a half storey properties are acceptable.*'
- 14.5.4** The proposed changes to the layout would take place within the internal parts of the approved development site area and would not result in the development increasing in scale in terms of site area over and above that of the extant scheme. The proposed materials would be as per the approved materials approved as part of the conditions relating to the original development and the proposal would also include the same level of public open space as the extant scheme.

- 14.5.5** In general terms, the proposed changes to the scheme in physical terms would be relatively minor and the proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005, and Policy DS11 of the Great Dunmow Neighbourhood Plan.

Neighbouring Amenity

- 14.5.6** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.5.7** The proposed garden areas for the dwellings and communal areas for the flats meet the standards set out in the Essex Design Guide for residential amenity. In addition, the distances proposed between the dwellings and orientation and layout of the proposed dwellings would prevent any materially detrimental overlooking or loss of privacy from occurring within the development.
- 14.5.8** Given the generous spacings between the proposed buildings within the development to that of the closest neighbouring residential developments and the restrictions on potential noise emanating from the site by conditions, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

14.6 D) Affordable Housing Mix and Tenure

Affordable Housing

- 14.6.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 14.6.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on the site would attract the 40% policy requirement as the site as the original application was for 125 residential units. This amounted to 50 affordable housing properties.
- 14.6.3** As part of this application, the proposed changes would result in a reduction of the overall number of dwellings as part of the extant

permission from 125 to 118 and therefore a policy compliant provision of 40% would amount to 47 affordable units.

- 14.6.4** In March 2021, the applicant submitted an application for a Deed of Variation to UTT/21/1249/DOV to remove the requirement to provide any Affordable Housing contributions as part of the development. Submitted in support of that application, a Financial Viability Assessment (FVA) carried out by BNP Paribas concluded in its viability appraisal that the scheme could not viably contribute towards the provision of any affordable housing. In response to this, the FVA was independently assessed by Essex County Council District Valuer Services, which found that a scheme of 60% private housing and 40% Affordable Housing could viably be provided.
- 14.6.5** Given the significant divergence between the two appraisals, officers commissioned a third party, independent Financial Viability Assessment by Altair Consultancy and Advisory Services Ltd, who reviewed the submitted viability assessment by the applicant and Essex County Councils subsequent review. This concluded that the scheme could viably provide a contribution towards affordable housing comprising 30 homes based on 18 homes for affordable rent and 12 homes for shared ownership equating to a 24% provision on site plus a £46,000 financial contribution to affordable housing.
- 14.6.6** The applicant has submitted to vary the S106 to base the Affordable Housing provision on the conclusions arrived at by Altair (as set out above). However, this would now involve a reduction of the number of units across the site from 125 to 118. Therefore a 24% on-site provision would equate to 28 affordable units, as opposed to 30 as highlighted by the Altair assessment.
- 14.6.7** Whilst the proposal would result in a reduction of the number of affordable housing units on the site from that approved, this has been shown to be unviable at 40%. The reduced provision to 24%, plus a £46,000 financial contribution to affordable housing is regrettable, however, this would still contribute towards the creation of a mixed and balanced community in this area and would represent a significant public benefit that would weigh in favour of the proposed development.

Location of Affordable Housing Units

- 14.6.8** The Affordable Housing units would be located to the western part of the site, in a cluster of 28 units. Whilst this would result in a total segregation of the affordable housing from the market housing in a single cluster. This would only represent an increase of 3 affordable housing units being added to an already approved cluster of 25 units, as per the extant permission.
- 14.6.9** As part of the assessment for the reserved matters application under reference UTT/13/1663/DFO, it was noted that *‘the S106 agreement*

attached to the outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing should be in groups of no more than 25 units. Although the Council would normally seek groups of no more than 10 units, the larger groupings have already been agreed for this site and it is not possible to insist on smaller groupings. Notwithstanding this, the applicant has revised the originally proposed layout and split the affordable housing into three groups of 25, 18 and 7 units. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.'

- 14.6.10** Whilst the proposal would not be considered compliant when reviewed against current policy guidance in terms of what forms part of good design principles, given the approved layout of the affordable housing within the extant scheme and the issues raised surrounding the viability of providing a compliant level of affordable housing on the site, the increase in 3 additional affordable housing units to an agreed cluster of 25 units would not warrant refusal of the application.

Housing Mix

- 14.6.11** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. Policy DS13 of the Great Dunmow Neighbourhood Plan states that at least 5% of dwellings on all schemes of over 20 units should be 1 or 2 bedroom dwellings suitable for the elderly.
- 14.6.12** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. The proposal would now include 2 bungalow dwellings, as opposed to none as part of the extant scheme. This element of the proposal is supported by the Council's Housing Enabling Officer.
- 14.6.13** It is noted that as part of the reserved matters application that it was considered that in relation to small 2 and 3 bedroom market dwellings the '*proposal does not meet this requirement however since the original submission of the application, the applicant has increased the number of 3 bedroom market dwellings proposed and has provided justification for the lack of 2 bedroom dwellings and further 3 bedroom dwellings.*' This was considered acceptable given the higher financial cost on the development from the associated contributions, including the completion of the northwest bypass and considered acceptable in that instance.
- 14.6.14** In terms of the mix of affordable housing units as part of the extant scheme are as follows:

Total bedrooms	No of units	% Split
4 bedroom	1	2.00

3 bedroom	14	28.0
2 bedroom	26	52.00
1 bedroom	9	18.00
Totals	50	100.0

- 14.6.15** The mix of affordable housing units as part of the proposed changes would be as follows:

Total bedrooms	No of units	% Split
3 bedroom	3	10.7
2 bedroom	18	64.3
1 bedroom (incl 2no bungalows)	7	25.0
Totals	28	100.0

- 14.6.16** With regards to the market housing, the extant permission proposed the following mix of units:

Total bedrooms	No of units	% Split
3 bedroom	19	25.3
4 bedroom	38	50.7
5 bedroom	18	24.0
Totals	75	100.0

The proposed changes would result in the mix of market housing units being as follows:

Total bedrooms	No of units	% Split
3 bedroom	32	35.6
4 bedroom	38	42.2
5 bedroom	20	22.2
Totals	90	100.0

- 14.6.17** It is noted that the Council's Housing Officer has objected to the proposed changes more 3-bedroom houses need to be included within the proposed affordable housing mix. However, the Great Dunmow Neighbourhood Plan highlights that *'in terms of affordable housing there is a need for 91% of the affordable housing to be 3 bedrooms or fewer and 53% of the affordable housing to be 2 bedrooms or fewer.'* This highlights that there is a significant need for smaller units. Whilst more 3 bedroom units would be desirable, given the issues raised surrounding the viability of the development and that the scheme generally consists of a range of unit sizes, the proposed mix is considered acceptable in this circumstance.

- 14.6.18** As such, in this circumstance, given the consideration that needs to be given to the extant permission, the mix of units and proposed contribution

to affordable housing is considered acceptable and in accordance with policies H9 of the Local Plan & DS12 & DS13 of the Great Dunmow Neighbourhood Plan.

14.7 E) Access and Parking

Access

- 14.7.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.7.2** Policy GEN8 also states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance “Vehicle Parking Standards”. This states a maximum of 1 space per 35m². Moreover, the ECC also provides maximum vehicle parking standards in relation to office use development, of 1 space per 30m².
- 14.7.3** The proposed changes to the scheme would not result in any amendments to the proposed access to the site. Given that the proposal would result in a reduction in the number of units on the site from the extant permission, it would likely result in a reduction of the trips / movement of vehicles to and from the site from that of the extant permission.
- 14.7.4** The ECC Highways Authority have been consulted as part of the application and have raised a few points that could be improved regarding the scheme. However, these are considered to be relatively minor elements that would not warrant refusal of the application. The proposal would also still be subject to Section 278 / 38 agreements.
- 14.7.5** Contributions that were included as part of the main application would continue to be secured as part of the changes via a deed of variation agreement that has been submitted alongside this application (UTT/22/1508/DOV).
- 14.7.6** Moreover, the National Highways Team have also been consulted as part of the application and have advised that, due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.
- 14.7.7** Overall, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the aforementioned policies, subject to conditions and a S106 agreement securing planning obligations.

14.8 F) Nature Conservation & Trees

Nature Conservation

- 14.8.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.8.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is adjacent to Fredericks Spring Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat.
- 14.8.3** The ECC Place Services Ecology Team have raised a holding objection to the proposed development on the basis that the submitted ecological information is out of date. However, the extant permission was considered to be acceptable in terms of impact upon ecological assets. Given the relatively minor physical changes as part of the current proposal, it is not considered that the scheme would give rise to any issues in terms of its impact upon ecological assets over and above that of the approved development that could be built out without the need for any update habitat surveys. As such, the Local Planning Authority would have reasonable grounds to refuse the application on this basis.
- 14.8.4** Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8.

14.9 G) Climate Change

- 14.9.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.
- 14.9.2** The proposed changes would not significantly alter the scheme from that of the extant permission in terms of energy and sustainability matters. The proposed dwellings would be required to comply with modern day building regulations.
- 14.9.3** The Council's Environmental Health Team have requested the inclusion of a condition relating to the installation of electric vehicle charging facilities and this is to be included by way of condition.

14.9.4 Overall, given the extant permission, the scheme would be consistent with the Councils Interim Climate Change policy and its Energy & Sustainability strategies are therefore supported, subject to conditions.

14.10 H) Contamination

14.10.1 Policy ENV14 of the Local Plan states that any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.

14.10.2 As part of the original permission for the site, a condition (16) was attached in relation to contamination, that *if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.* There is no reason for the LPA to consider the site being contaminated over and above that of the assessment made as part of the original application, and the aforementioned condition would be retained as part of this application.

14.10.3 Therefore, the application is considered acceptable in terms of its land contamination risks and in accordance with the aforementioned policies.

14.11 I) Flooding

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

14.11.2 The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

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

14.11.4 Essex County Council who are the lead local flooding authority have been consulted as part of the application and consider the proposal acceptable, subject to the implementation of the drainage measures agreed as part of the previously approved application at the site. These measures are to be secured by way of condition.

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

14.12 J) Air Quality

14.12.1 The site is not located within a poor air quality zone. However, an air quality assessment has been provided. The Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard. Given the extant permission, it is not considered that the proposed changes would give rise to any concerns in terms of air quality, over and above that of the approved development relating to the site.

14.12.2 Given the above, the proposals would comply with Uttlesford Local Plan Policy ENV13.

14.13 K) Planning Obligations

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

- Completion of the northwest bypass
- Provision of Travel Information and Marketing Scheme for sustainable transport
- Provision of Public Transport contribution of £50,000
- Provision and maintenance of public open space
- Payment of contributions towards education provision
- Payment of financial contribution of 225,000 to be used by Helena Romanes School for bus turning/ bus parking and/ or playing fields enhancement
- Provision of affordable housing
- Payment of Council's reasonable costs

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.5 Human Rights

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

16 Planning Balance and Conclusion

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

16.2 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.

16.3 In respect to addressing the benefits of the development, the proposal would facilitate the completion of 118 new homes including 28 much needed affordable homes. Consideration also needs to be given to the completion of the Northwest bypass which was facilitated as part of the originally approved development. The provision of public open space as part of the development would also represent a public benefit.

16.4 The development would provide economic and social benefits in terms of the construction of the development.

- 16.5** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have a minor adverse effect on both the landscape and visual amenity, but this would decrease once strategic planting has established.
- 16.6** The proposal would also cause harm through a failure to provide a policy compliant level affordable housing contribution. However, it has been found as part of reviews of Financial Viability Assessments that the development would be unviable if it were to provide an affordable housing contribution of 40% and therefore justified.
- 16.7** Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.8** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.9** It is therefore recommended that the application be approved subject to the suggested conditions

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Completion of the northwest bypass.
 - ii. Provision of Travel Information and Marketing Scheme for sustainable transport.
 - iii. Provision of Public Transport contribution of £50,000.
 - iv. Provision and maintenance of public open space.
 - v. Payment of contributions towards education provision.
 - vi. Payment of financial contribution of £225,000 to be used by Helena Romanes School for bus turning/ bus parking and/ or playing fields enhancement.
 - vii. Provision of affordable housing.
 - viii. Payment of Council's reasonable costs.

17.3 Conditions

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

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

- 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 Unless expressly authorised by this permission, the development shall be carried out in accordance with the details of the Landscaping as part of planning consent reference UTT/13/2980/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 4 The development shall be carried out in accordance with the details of the Bus Stop Infrastructure as part of planning consent reference UTT/13/3385/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In the interests of the accessibility of the development in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5 If within a period of 10 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 6** The development shall be carried out in accordance with the details of the Ecological & Mitigation Plan as part of planning consent reference UTT/13/0298/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7.

- 7** The development shall be carried out in accordance with the details of the Mitigation Strategy as part of planning consent reference UTT/13/0299/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 8** No removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect roosting birds which use the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 9** The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) with accompanying appendices prepared by D J Barton Associates Limited, reference MX/2007/100297/01-L01 dated 3 July 2007.

These include the following mitigation measures detailed within the FRA:

(i) Surface water shall be discharged from the site at a rate of 23.30 litres per second for the 1 in 1 year storm, and 57.56 litres per second for the 1 in 100 year storm, as detailed within section 5.0 of the submitted Flood Risk Assessment.

(ii) Storage shall be provided on-site to accommodate the 1 in 100 year storm, plus 30% to account for climate change, as detailed within the FRA and accompanying calculations/drawings.

(iii) Surface water storage shall be provided on-site through a storage attenuation area/pond, as indicated within the submitted FRA.

REASON: To accommodate storm events up to and including the 1 in 100 year storm event with climate change and to mimic the current discharge rates to ensure flood risk is not increased off site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 10** The development shall be carried out in accordance with the details of the External Materials as part of planning consent references UTT/13/1661/DOC, UTT/13/3249/DOC, UTT/18/0400/DOC & UTT/13/3306/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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).

- 11** The development shall be carried out in accordance with the plans and particulars approved as part of application UTT/13/1663/DFO relating to condition 1 of UTT/2507/11/OP and the details of the location and design of the refuse bin and recycling materials storage areas and collection points, unless otherwise agreed in writing by the Local Planning Authority.

The refuse storage and collection facilities shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 12** The development shall be carried out in accordance with the plans and particulars approved as part of application UTT/13/1663/DFO relating to condition 1 of UTT/2507/11/OP and accessibility statement/drawings. The details submitted shall set out measures to ensure that the dwellings are accessible to all sectors of the community. The dwellings shall be designed as "Lifetime Homes" and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 13** The development shall be carried out in accordance with the plans and particulars approved as part of application UTT/13/1663/DFO relating to condition 1 of UTT/2507/11/OP and the scheme for water efficiency within the development. The scheme shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainable development and prudent use of natural resources in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 14** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters and in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 15** The development shall be carried out in accordance with the details of the Highways Works as part of planning consent references UTT/13/1741/DOC & UTT/17/2252/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16** The development shall be carried out in accordance with the details of the Parking Provision as part of planning consent reference UTT/13/1742/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17** Surface water shall be discharged from the site at the calculated Greenfield runoff rates as detailed within the submitted Flood Risk Assessment as part of application UTT/2507/11/OP.

REASON: To ensure that flood risk on and off-site will not be increased as a result of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 18** Surface water storage shall be provided on site within a dry storage area to accommodate the 1 in 100 year storm, inclusive of climate change.

REASON: To ensure that flood risk on and off-site will not be increased as a result of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 19** The development shall be carried out in accordance with the details of the Maintenance Schedule as part of planning consent reference UTT/13/1743/DOC, unless otherwise agreed in writing by the Local Planning Authority.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To ensure that the scheme will be maintained at its design standard in perpetuity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 20** Prior to the commencement of development other than the highway works as referred to in the description of development, the small spur on the B184 roundabout between B184 south of roundabout and the spur for the North West Bypass shall be permanently closed.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21** The development shall be carried out in accordance with the details of the Ecological & Mitigation Plan as part of planning consent reference UTT/13/0300/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner.

REASON: In the interests of proper planning and ecological protection in accordance with policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 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.

- 23** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

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.

- 24** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

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.

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

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

Appendix 1 – Internal / External / Statutory Consultee Responses

[External] UTT/22/2052/FUL Highway response 868



Katherine Wilkinson - Strategic Development Engineer <Katherine.Wilkinson@essex.gov.uk>
To: Laurence Ackrill

You replied to this message on 17/11/2022 17:13.



Wed 02/11/2022 08:17

Hi Lawrence,

UTT/22/2052/FUL

Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow

Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application

UTT/2507/11/OP and details approved under UTT/13/1663/DFO

I have the following comments:

1. The parcel B road is 100m long and so a traffic calming feature is required for it to be part of the proposed 20mph zone. The dark lines may indicate traffic calming but it is not clear as there is no key. On a shared surface cushions may be used but not road humps.
2. The visibility splays to the access road should be shown (2.4 by 43m). All vegetation should be planted 1m clear of the visibility splays.
3. In Parcel B there are 17 dwellings but only 2 visitor parking space, rather than 4 as required in the Essex Parking standards. Although Parcel B has more than required a better distribution of spaces would help ensure inappropriate parking does not take on the shared surface in plot B

Could you ask the developer to address this on the drawings.

Kind regards

Katherine

Katherine Wilkinson | Strategic Development Engineer
Strategic Development



SAFER GREENER HEALTHIER

T: 07921397535

E: katherine.wilkinson@essex.gov.uk

W: www.essex.gov.uk/highways



31st October 2022

Laurence Ackrill
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: UTT/22/2052/FUL

Location: Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow

Proposal: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) – revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO

Dear Laurence,

Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information – Out of date report

Summary

We have assessed the Essex Biodiversity Validation Checklist (SES, August 2022), Extended Phase 1 Habitat Survey (Landscape Planning, November 2008) and Bat Survey Report (Landscape Planning, August 2009) submitted by the applicant, relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are not satisfied that there is sufficient ecological information available for determination. This is because the Extended Phase 1 Habitat Survey (Landscape Planning, November 2008) and Bat Survey Report (Landscape Planning, August 2009) are out of date to support this application, in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. This is because the ecological assessment was undertaken in

¹ CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>



November 2008 and the bat survey was undertaken in August 2009 meaning this data is at least 13 years old. CIEEM recommend that if a report is over three years old, it is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated.

A recent Essex Biodiversity Validation Checklist has been submitted within this application (SES, August 2022) however, this is insufficient to support a new full application at the site. Step 1 of the Essex Biodiversity Validation Checklist states that a Preliminary Ecological Appraisal (PEA) of the application site must be completed alongside a biological records search to help inform whether further ecology assessment work is required.

In addition, the Essex Biodiversity Validation Checklist (SES, August 2022) states that there will be increased recreational impacts upon Hatfield Forest Site of Special Scientific Interest (SSSI)/ National Nature Reserve (NNR) as well as direct habitat loss and degradation to adjacent Priority habitat and Local Wildlife Sites (LoWS). Suggested mitigation within the Biodiversity Checklist (SES, August 2022) includes provision of semi natural open space, installation of protective fencing and best practice measures, however, the location of the semi natural open space is not apparent from the Site Layout plan, drawing no. 498 – P201 (Melville Dunbar Associates, April 2022). Mitigation to protect [REDACTED] Priority species has also not been included.

The Essex Biodiversity Validation Checklist (SES, August 2022) also recommends a financial contribution to Hatfield Forest SSSI strategy. Although the development site is situated within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest SSSI/NNR, as this application is less than 50 units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

It is recommended that an updated PEA is undertaken at the site. If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination, unless an exceptional circumstance is demonstrated (as defined by BS42020). This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

Therefore, this further information is required to provide the LPA with certainty of impacts on protected and Priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Please contact us with any queries.

Yours sincerely

Ella Gibbs ACIEEM BSc (Hons)
Senior Ecological Consultant
Place Services at Essex County Council
placeservicesecology@essex.gov.uk

Environmental Health Consultee Comments for Planning

Application Number: UTT/22/2052/FUL - Sector IV Woodlands Park Great Dunmow
Parsonage Downs Dunmow

Lead Consultee

Name: Andy Luck
Title: Senior EHO
Tel: x 540

Email: aluck@uttlesford.gov.uk

Date: 1st September 2022

Proposal: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.

Report prepared by Ross Jarvis – External Contractor

Comments

Thank you for consulting on this application. Further to investigations the following comments are made:

Contaminated Land

It is not clear whether contaminated land at the site has been considered at an earlier stage, but if not the risk from contaminated land must be assessed before development commences to ensure the site is suitable for the proposed use. The below condition is recommended:

The following works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of

underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been 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, 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.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Noise

1. Construction/Demolition Management Plan – Large Development

- i. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan, it must consider the following requirements:
 - The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
 - Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the *Assessment of Dust from Demolition and Construction – Institute of Air Quality Management* or an acceptable equivalent.
 - Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
 - Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors the Environmental Protection Team at the Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

- ii. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- iii. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- iv. Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency
- v. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.
- vi. All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings
- vii. Construction and Demolition shall also be done in accordance with "London Good Practice Guide: Noise & Vibration Control for Demolition and Construction" by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.

Please note that where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that:

- Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018)(or 'WM3').
- Representative samples of soils must undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.
- Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency

- Prior to the commencement of work a method statement must be provided to the local authority for approval to prevent the pollution of ground and surface waters. This will also include during works and the location of any hazardous materials including fuel from vehicles and equipment.

2. Noise Mitigation Scheme

The proposed development is adjacent to the B184 which has the potential to adversely affect the noise environment for future users of the site. A noise assessment should be carried out to ensure that BS8233:2014 guideline values can be achieved or if mitigation is required. Recommended condition:

No dwelling shall be occupied until the internal and external areas of dwellings are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 23:00

Resting - Living room 35 dB L_{Aeq,16hour}

Dining - Dining room/area 40 dB L_{Aeq,16hour}

Sleeping/Daytime Resting - Bedroom 35 dB L_{Aeq,16hour}

23:00 to 07:00

Sleeping/Night-time Bedroom 35 dB L_{Aeq,8hour}

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

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

Noise from the system will not present an adverse impact on occupants

The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions

The alternative means of ventilation shall be maintained thereafter.

Reason: To ensure that future occupiers of the residential dwellings enjoy a reasonable internal and external acoustic environment.

External Lighting

In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spillover light, or glare. The following condition is therefore recommended to secure this:

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 Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

Air Quality

Electric Vehicle Charge Points

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

A condition requiring charging points for electric vehicles is requested.

Suggested Informative

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

Essex County Council
**Development and Flood Risk
Waste & Environment**
C426 County Hall
Chelmsford
Essex CM1 1QH



Laurence Ackrill
Uttlesford District Council
Planning Services

Date: 25th August 2022
Our Ref: SUDS-00006187
Your Ref: UTT/22/2052/FUL

Dear Sir,

Consultation Response –UTT/22/2052/FUL – Sector IV Woodlands Park, Great Dunmow

Thank you for your email received on 05/08/22 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following condition:

- All surface water drainage provision shall comply with the design for the approved scheme except as necessary to accommodate the amended layout of housing units.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

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

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

Summary of Flood Risk Responsibilities for your Council

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

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance

requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours faithfully,

Richard Atkins
Development and Flood Risk Officer
Team: Development and Flood Risk
Service: Waste & Environment
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

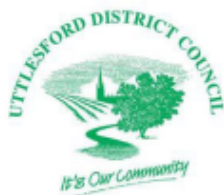
Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction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

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

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

- Sustainability of the development

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



Uttlesford District Council
London Rd
Saffron Walden
Essex
CB11 4ER

Date: 8 December 2022

Your ref: UTT/22/2052/FUL

Our ref: PL/29/2022

Please ask for Peter Lock
email: plock@uttlesford.gov.uk

Dear Planning team,

Re: Sector 4, Woodlands Park, Dunmow: UTT/22/2052/FUL

I am providing a revised consultation response following the applicant clarifying that they are seeking approval to dispose of the land for the affordable housing provision to a Registered Provider for the sum of £1 rather than delivering any on-site affordable housing provision themselves. All 28 affordable homes would therefore have to be constructed by the Registered Provider upon the land transferred to them for £1.

This proposal raises concerns and I therefore object to the application for the following reasons: -

1. Total segregation of the affordable housing from the market housing in a single cluster of 28 properties.
2. On site delivery of the affordable homes directly by the developer is expected and is the norm for a site totalling 118 properties and there is no valid reason to make an exception in this case.
3. The mix of the proposed 28 affordable homes upon the land for transfer to a Registered Provider does not correspond with the identified affordable housing need in the SHMA 2017.

The affordable housing provision previously approved for the site via application UTT/13/1663/DFO consisted of three separate clusters of affordable housing including a cluster with lower density semi-detached properties with in-curtilage parking provision. The three separate clusters when considered together provided a good mix of affordable properties which met the identified housing need at the time.

The cluster of 28 affordable homes proposed via the transfer of land to an RP would be totally segregated from the market housing, be higher density and the proposed mix does not meet the identified housing need.

Affordable Rented housing identified need: SHMA 2017	%	Proposed affordable housing mix upon the land to be sold to an RP for £1	Number	%
1-bedroom flat	16.5%	1-bedroom flat	6	21%
2-bedroom flat	12%	2-bedroom flat	10	36%
2-bedroom house	30%	2-bedroom house	7	25%
3-bedroom house	32%	3-bedroom house	3	11%
4-bedroom house	9.5%	4-bedroom house	0	0%
		1-bedroom bungalow	2	7%
Total	100%	Total	28	100%

The SHMA 2017 states that the combined need for affordable rented 1- and 2- bedroom flats equate to 28.5% whereas the applicant is proposing that 16 of the 28 affordable properties upon this site be 1- and 2- bedroom flats which equates to 57% of the proposed affordable housing provision. This is double the percentage of flats which the SHMA 2017 identifies as being required.

The proposal to include two 1-bedroom bungalows is welcomed but more 3-bedroom houses need to be included within the proposed affordable housing mix.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Lock', written in a cursive style.

Peter Lock (FCIH)
Housing strategy, Enabling & Development Officer



National Highways Planning Response (NHPR 21-09)
Formal Recommendation to an Application for Planning Permission

From: Martin Fellows (Regional Director)
Operations Directorate
East Region
National Highways
PlanningEE@highwaysengland.co.uk

To: Uttlesford District Council FAO, Laurence Ackrill

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: UTT/22/2052/FUL **National Highways Ref:** 95751

Location: Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow.

Proposal: Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.

Referring to the consultation on a planning application dated 05 August 2022, referenced above, in the vicinity of the A120, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

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

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

Signature: S. H.	Date: 22 August 2022
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

Annex A **National Highway's assessment of the proposed development**

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

We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any severe impact upon the Strategic Road Network (SRN).

Consequently, National Highways offer No Comment to this application.

STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002					
Planning Authority:	Uttlesford District Council			Application No: UTT/22/2052/FUL	
Date Application Received (including sufficient information as required by Circular 1/03):	05/08/2022	Response Deadline on Consultation	26/08/2022	Date Response Returned:	18/08/2022
Development Proposal:	Erection of 28 no. dwellings (comprising of 23 open market dwellings and 5 social/affordable dwellings) - revised scheme to that approved under outline application UTT/2507/11/OP and details approved under UTT/13/1663/DFO.				
Location:	Sector IV Woodlands Park Great Dunmow Parsonage Downs Dunmow			Application Type: FULL	
OS Co-ordinates (Eastings/Northings):	562059 / 223581				
Our Reference:	2022/188				
No Objection	Crane Advisory Permit Required	Need to engage with MAG Safeguarding	Request Conditions	Objection	
	X		X		
<p>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:</p> <ul style="list-style-type: none"> • 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 drainage scheme includes a dry attenuation pond designed to accommodate a 1 in 100 year storm event. This pond must be maintained as a dry area with assurances given by the developer that this will be the case. No additional pools or ponds of water should occur/be created without permission. Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN. • 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. <p>Cont.</p>					

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/Crane-notification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Signed: Diane Jackson
Date: 18/08/2022



(Authorised MAG Aerodrome Safeguarding Officer)

The appropriate office for consultation is:
aerodrome_safeguarding@stanstedairport.com

Enterprise House
Bassingbourn Road
Essex
CM24 1QW

