

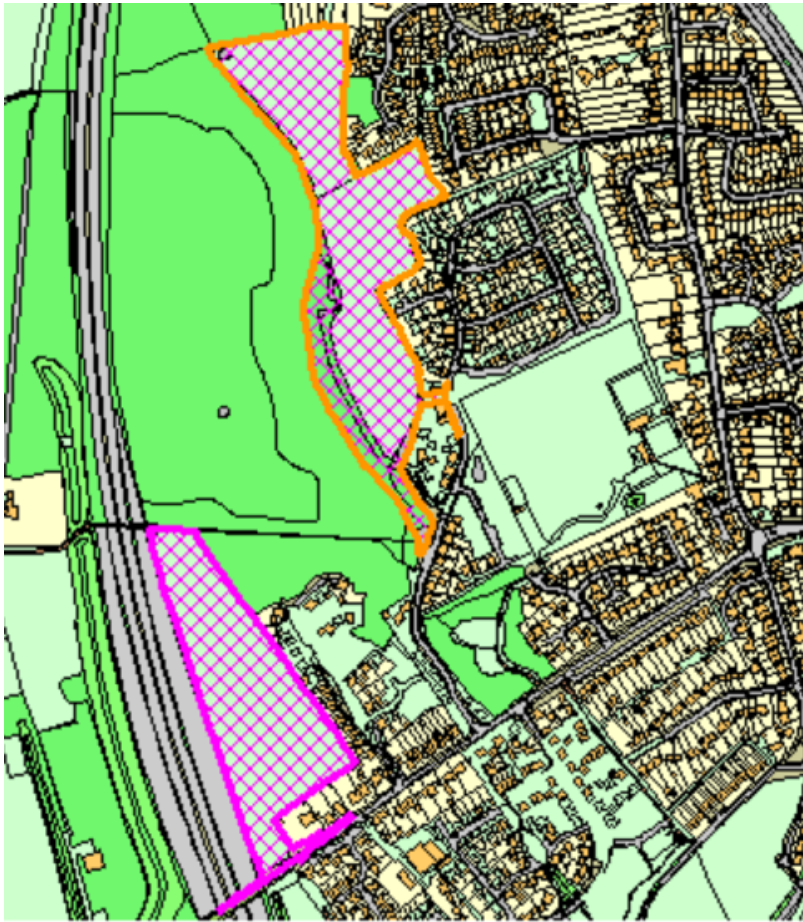
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 5 April 2023

REFERENCE NUMBER: UTT/21/2461/DFO

LOCATION: Land to the West of Isabel Drive and off Stansted Road, Elsenham.

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 23rd March 2023

PROPOSAL: Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP.

APPLICANT: Dandara Eastern (Miss Amy Atkins)

AGENT: N/A

EXPIRY DATE: 9 November 2021

EOT Expiry Date: 7 April 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside development limits, adjacent ancient woodland & local wildlife site, public right of way (PROW), part poor air quality zone, part archaeological site, tree preservation orders, flood zone 1.

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. BACKGROUND

1.1 This application was presented to members of the planning committee on 8th February 2023 with a recommendation for approval subjected to suggested conditions.

1.2 Members of the Planning Committee raised some concerns in respect to the design and layout of the proposals with particular reference to:

- a) Concerns over the relationship of Plots 1 & 2 and particular about the proposed 3.2m high brick walls and timber fences to rear gardens as these will be a highly incongruous form when once view this from the public open space and new footpaths.
- b) Concerns over the proposed external materials palette.

- c) A request for the acoustic fence to the northern part of Parcel B to be a bund and fence combination to reflect the treatment along the western boundary.
- d) Queries over the purpose of the ditch behind properties on Parcel A and concerns over it's the misuse of this space.

1.3 Subsequently a resolution was made by Members to defer making a decision to allow for officers of the Local Planning Authority to liaise with the Applicant to address and provide further clarification in relation to the points above.

1.4 Following the deferral of the application, the Urban Design Officer and the Planning Officer held a meeting on 16th February 2023 with the Applicant to discuss how to improve the design and layout of the scheme. Following this meeting, revisions were submitted to the Council on 2nd March 2023 for the Local Planning Authority to assess and consider.

1.5 A) Relationship of Open Space with Plots 1 & 2.

1.6 Concerns were previously raised to the general place making and design standards with the inclusion of a 3.2m high brick and timber wall to the rear gardens of Plot 1 & 2 on Parcel A. It was initially designed this way to provide appropriate noise mitigation to these properties and others within the development. It was suggested by Members that the Applicant should re-address this concern to allow for better place making.

1.7 To resolve the design and layout concerns, the Applicant has revised the siting and orientation of Plots 1 & 2 as seen in Figure 1 below. In addition, the house types have been slightly amended, but both contain 4 bedrooms as previously, and the proposed boundary treatments have been reduced from 3.2m to 1.8m. Both dwellings would contain in excessive of 100sq.m of private garden areas and provide appropriate off-street parking provision in accordance with the relevant standards.



Figure1: Extract taken from original site plan previously presented to Members on 8th February on the left and the proposed new revised

drawing on the right showing the proposed changes to the layout of Plots 1 & 2.

- 1.8** In addition to the physical changes of the buildings, the Applicant has also amended the location of the proposed footpath so that is located further to the west and proposes addition soft landscaping in the open space area to help soften the development.
- 1.9** As a result of the proposed revisions highlighted above, the Applicant has provided an up-to-date noise assessment. This has been reviewed by the Council's Environmental Health Officer who has confirmed that when an application is submitted to discharge Condition 17 attached to the outline permission, the proposed revisions would ensure that the proposals could satisfy the details of the condition.
- 1.10** Furthermore, the proposed revisions have been reviewed by the Council's urban design officer who confirms that they now have no objections to the proposals from a design and layout perspective.
- 1.11** **B) External Materials**
- 1.12** It was previously reported to members that although the proposed external finishing materials and detailing of the proposed buildings were appropriate, it would have been preferable if they could be more inspired by house types that respond to the Essex vernacular rather than standard designs.
- 1.13** It was discussed between officers of the Council and the Applicant post resolution to defer the application that the main point of contention was the extensive use of yellow brickwork throughout the development and that this material should be removed to reflect the local character.
- 1.14** The Applicant has now submitted revised drawings removing all yellow stoke brickwork from the house types and replaced these with a red and buff brick alongside render and weatherboarding.
- 1.15** These revisions have been reviewed by the Council's urban designer who have confirmed that the proposed revisions would result in the development as a whole to more reflective of the house types found within Essex and particular the local area.
- 1.16** **C) Acoustic Fence**
- 1.17** The Applicant has revised the proposals and has provided a boundary treatment along the northern boundary of Parcel B to reflect that along the western boundary as shown on drawing re: TRE.21.1112-B-PL06 G. The boundary treatment will consist of a 4m high earth bund with a 2m acoustic fence atop of the bund to provide appropriate noise mitigation as shown in the Figure 2 below.



Figure 2: Extract of northern Part of Parcel B showing position of proposed bund.

1.18 These revisions have been checked by the Council's urban design officer and the environmental health officer who has confirmed the details are appropriate from both a design perspective whilst at the same time helping to minimise noise and disturbance to the public open space area.

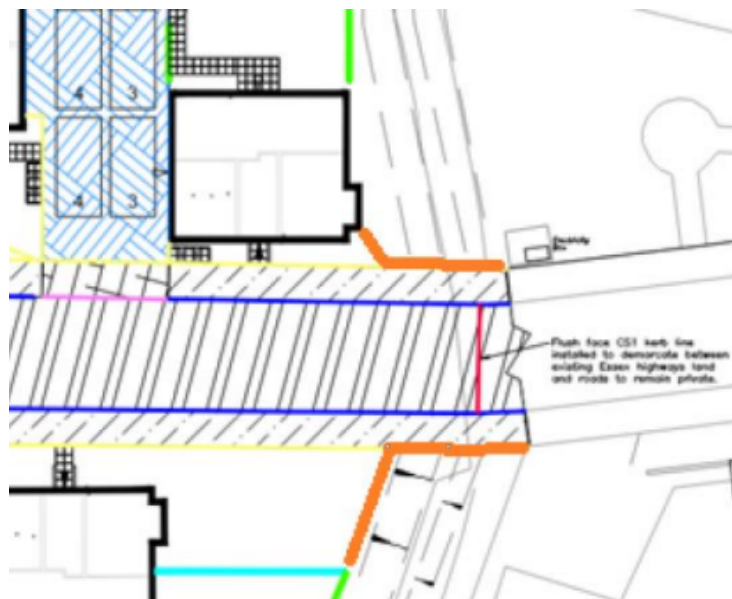
1.19 However, it should be acknowledged that the proposed bund along the northern boundary would fall within the 20m buffer zone whereby development should be avoided. Though, it is accepted that these works are limited to natural materials in the form of soil/earth and thus does not include hard paving, driveways, highways, associated infrastructure or buildings and thereby on balance this is deemed to be acceptable. The Council's landscape officer was informed of the position of the bund who confirmed that although some harm may arise from the position of the bund, the amount of harm upon the adjoining woodland would not be significant to warrant a reason of refusal. Nevertheless, the landscape officer also stipulated that more harm would occur from the existing agricultural use with large heavy vehicles and tractors ploughing the field close to the woodland than that of the proposed bund.

1.20 **D) Open Space/Ditch**

1.21 It was previously acknowledged the new rear gardens did not connect to existing rear gardens of the adjoining properties which resulted in a narrow un-useable strip of open space between properties. Thus, there is no clear public or private use and no maintenance access or regime and the concern being that this would result in an unmanaged space that could suffer from fly tipping and poses a security risk due to an un-overlooked accessible space to the rear of dwellings.

1.22 The existing ditch to the rear of the proposed properties associated with Parcel A is a ditch that currently takes surface water runoff in the locality. The Applicant has confirmed that this ditch falls within the application site and will form part of the drainage strategy in the event of storm events. Post Construction, it will be maintained by the estate management company to ensure it does not become misused and to ensure it remains clean, tidy and free flowing.

1.23 There are two areas within the layout where there is the possibility of the public to gain access to the ditch, to the north and south of the connection point onto Isabel Drive. The Applicant has confirmed that a knee rail will be installed at these locations to prevent unauthorised access to this area as shown in orange in the below figure.



1.24 The knee rail fencing will be installed to the top of the banks of the ditch to tie into the garden wall of the properties. The same prevention measures have been provided on the adjacent completed development on Dellows Close as per the image below image below.



- 1.25** It is acknowledged that the boundary treatment will not completely prevent those from entering into this area, however, it is more of a deterrent. A larger/higher fence or boundary treatment would not be appropriate as it would need to be erected over the ditch and will prevent access for the management company and may lead to blocking the ditch of its natural flow.
- 1.26** It is also acknowledged that it would be unreasonable for the ditch to be included in the rear gardens of those new properties.
- 1.27** For the ease of reference for Members of the Planning Committee, this Background Summary has been provided in addition to the main body of the original report presented below at the Committee.

ORIGINAL COMMITTEE REPORT PRESENTED TO MEMBERS AT THE 8 February 2023 PLANNING COMMITTEE MEETING.

1. EXECUTIVE SUMMARY

- 1.1** This application seeks approval of details following the granting of outline planning under reference UTT/19/2470/OP whereby permission was approved for the erection of up to 99 dwellings along with associated open space and play areas, and other ancillary works across two separate parcels of land.
- 1.2** The principle of the development along with the details of Access have been approved at outline stage by an Inspector under appeal, leaving the details for consideration as part of this reserve matters application being Appearance, Layout, Scale and Landscaping.
- 1.3** The applicant has undertaken pre-application discussions prior to this submission of the application with officers of Uttlesford Council and revised the final layout throughout the application assessment which has

helped to enhance the quality of the scheme in complying with the standards and guidance as per local policy and in order to achieve a sense of better place making whilst ensuring that future occupants have a quality development that provides reasonable enjoyment to all.

- 1.4** The proposals generally comply with the indicative illustrative masterplan that formed part of the outline consent in respect to layout, number of units and housing mix. The design and appearance of the buildings generally conform with the required standards with each residential unit provided with appropriate parking and amenity provision to meet the needs of future occupants. Appropriate areas of informal and formal of public open space are provided throughout the site.
- 1.5** The proposals comply with the guidance and standards as set out within the Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It has thereby been recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/19/2470/OP.

2.

RECOMMENDATION

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

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this planning application relates to the land known as ‘Land To The West Of Isabel Drive And Off Stansted Road, Elsenham. Essex.’ The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The application site comprise two parcels of undeveloped land located to the west of village of Elsenham totalling approximately 8.1 hectares in size. The two Parcels are defined as ‘Land off Isabel Drive’ (Parcel A) and ‘Land off Stansted Road’ (Parcel B).
- 3.3** Parcel A would be accessed from Isabel Drive. It is bounded by residential development to the east, with woodland to the west. A Public Right of Way (PROW) 31 crosses the southern boundary of Parcel A. Parcel B is accessed directly from Stansted Road, with ancient woodland bounding the northern boundary, woodland to the east, residential development to the south and to the east, and the M11 to the west. Presently, both Parcels A and B generally comprise of overgrown grassland.

3.4 In terms of local designations, the site is not subject to any statutory landscape or ecological designations. The nearest statutory designated site is Hall's Quarry SSSI (geological) located approximately 1.2km to the north. Alsa Wood abuts both Parcels A and B and part of this woodland is listed as Ancient Woodland and is designated as a Local Wildlife Site. The Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. There are no designated heritage assets either adjoining or within close proximity of the site.

4. PROPOSAL

4.1 This application relates to the reserved matters following a decision made by an Inspector on the 31 December 2020 to allow outline planning permission which was for the erection of up to 99 dwellings along with associated works under application ref: UTT/19/2470/OP.

4.2 Access to the development was approved as part of the outline application which established access to the site. New vehicle access points off Isabel Drive (Parcel A) and Stansted Road (Parcel B), providing access and egress for the whole site.

4.3 The reserve matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of 99 dwellings.

4.4 The supporting documentation submitted in support of the outline application indicated that the dwellings will be split between Parcel A and Parcel B which amounts to 61 and 38 retrospectively. However, this reserve matters application shows the final layout of the proposals consisting of 51 dwellings for Parcel A and 48 dwellings for Parcel B to provide a better balance and place making.

4.5 The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. Affordable housing makes up 40% of the overall residential development for the scheme, as set out by the requirements of the S106 agreement. The proposal incorporates a range of housing types including one-bedroom flats, two, three, four and five bedroom houses. The proposed residential mix is set out below.

4.6

Unit Type	Affordable	Market	Total
1 - bed dwelling	6	0	6
2 - bed dwelling	15	3	18
3 - bed dwelling	17	28	45
4 - bed dwelling	2	23	25
5 - bed dwelling	0	5	5
Total	40 (40.4%)	59 (59.6%)	100 (100%)

4.7 The dwellings would be predominantly 2 storeys in height although there would also be a limited amount of single storey dwellings. Building styles within the development would range from semi-detached and detached

buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of 4 bungalows is proposed and a single apartment building containing 4 flats are proposed across both Parcels. Each of the dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

- 4.8** In addition to the proposed housing, the provision of approximately 1.2 hectares of informal and formal areas of open space which amounts to 15% of the total site. A children's equipped play areas have been provided on Parcel B.
- 4.9** As required by the outline and appeal decision, the proposals are to retain the existing public rights of way through the site and a 20m buffer adjacent to the existing woodland.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1** As part of the outline application, the Council issued a screening opinion under the Town and Country Planning Environmental Impact Assessment (EIA) Regulations 2017 stating that the proposal constituted EIA development due to the significant effects and cumulative effects on the local highway network, air quality and on recreational disturbance. The outline application was accompanied by an Environmental Statement.
- 5.2** This reserve matters application 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** The application site contains the following relevant recorded planning history:
- 6.2** UTT/19/2470/OP - Outline application with all matters reserved except access for residential development of up to 99 no. dwellings including affordable homes, with areas of landscaping and public open space, including points of access of Stansted Road and Isabel Drive and associated infrastructure works.
- 6.3** The applicant submitted an appeal for 'non determination' because of the Council failing to make a decision within the statutory time period. Following submission of the appeal, The Council submitted four putative reasons for refusal. The second putative reason, relating to air quality, was withdrawn by the Council following publication of its Air Quality Annual Status Report. Furthermore, the day before the inquiry opens, the Council also confirmed that there was no reason for the proposal to be refused on highway grounds which related to the third putative reason of refusal. The fourth putative reason, relating to affordable housing and

infrastructure was addressed by means of a completed planning obligation by deed of agreement which was submitted after the inquiry.

6.4 Three of the four putative reasons were thereby addressed and as such on that basis, the main issue for the Inspector was to consider the effect of the location of the proposal on the character and appearance of the surrounding area, with particular regard to the size, scale, siting in relation to Elsenham and Alsa Wood.

6.5 The Inspector summarised that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Inspector concluded that outline planning permission should be granted subject to conditions and permission was granted on 31 December 2020.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 A request for pre-application advice was submitted to the Council in April 2021 and a meeting took place with officers in May 2021 to discuss the key points and considerations associated to the submission of a reserve matters application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

8.1.1 The Highway Authority has reviewed the reserved matters application and provided two sets of comments on visibility spays, turning heads, footways and general highway layout which, the applicant has responded to. The layout is now acceptable subject to conditions.

8.2 Highways England – No Objections

8.2.1 Referring to the planning application reference UTT/21/2461 dated 19th August 2021, notice is hereby given that Highways England's formal recommendation is that we offer no objection.

8.3 Local Flood Authority – No Objection

8.3.1 Thank you for your email of 14/03/22, consulting on the updated information for the application. On reviewing the information, it does not affect the validity of the approved SuDs drainage strategy and therefore our position does not change from our letter dated 25th January 2022 which stated:

8.3.2 Having reviewed the Flood Risk Assessment and the associated documents which have accompanied the planning application, we do not object to the granting of planning permission based on the new information received.

8.4 Natural England – No Objections

8.4.1 Natural England confirm that they have no objections to the proposals subject to securing appropriate mitigation to offset the harm the proposals may have upon Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Natural England therefore advises that permission should not be granted until such time as these ‘on-site’ and ‘off-site’ mitigation measures have been assessed and secured through the appropriate means either by way of an appropriate planning condition or S106 Agreement.

8.4.2 These obligations have already been secured within Schedule 5 of the Legal agreement attached to the outline planning permission.

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council in their latest formal response (23rd January 2023) stipulated that they have strong concerns with this application due to the number of concerns as follows:

1. Noise

The proposed public open space and communal street areas are in clear breach of the Condition. Noise levels in gardens would be unacceptable, and the necessity to keep windows closed would not make for a viable environment.

2. Housing Mix, bungalows

The applicants have failed to adopt the Housing Officer’s advice concerning the provision of bungalows.

3. Housing Mix, affordable homes

Affordable dwellings are not sufficiently dispersed across the site.

4. Housing Mix, distribution

Dwellings generally are unequally distributed across the site.

5. Diversion between sites

The two sites should be considered together.

6. Surface Water disposal

The applicants have not heeded previous response pointing to the severe shortcomings in the SUDS Design Statement.

7. Community Hall

The request is renewed for a contribution, bearing in mind the proximity of the site to the area scheduled for the Community Hall.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 Confirms that the tenure and dwelling mix was agreed with housing officers as part of the application process and meets the identified need. The dwelling mix includes three M4(3) affordable rented bungalows as requested. The affordable homes also meet the National Described

Space Standards. The proposed affordable housing provision meets the 40% policy requirement and equates to 40 new affordable homes across both parcels.

10.2 UDC Environmental Health – No Objection

10.2.1 The Environmental Health Officer confirmed that they have reviewed all revised documentation including amended drawings and the updated noise assessment (December 2022) and concluded that the proposals are appropriate in that no significant harm would occur to the amenities of future occupiers in relation to noise and disturbance and that the scheme would fulfil the requirements of condition 17 attached to the outline decision.

10.3 UDC Urban Designer – No Objection

10.3.1 When considered against the available policy GEN2, taking into account positive and negative aspects of the scheme, and on balance, an overall objection is not raised. Although, aspects of the scheme such as the quality of the design of the house types could have been improved to reflect the Essex vernacular.

10.4 Place Services (Ecology) – No Objection

10.4.1 We have reviewed the documents supplied by the applicant. As ecology is not a matter being considered under this Reserve Matters application, there are no additional conditions to add to those attached to the appeal decision notice.

10.5 Crime Prevention Officer – No Objection

10.5.1 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.6 Thames Water – No Objection

Waste Comments – Thank you for consulting Thames Water for discharge of matters relating to surface water. Thames Water confirms the surface water condition referenced can be discharged based on the information submitted. With regard to water Supply, this comes within the area covered by Affinity Water.

10.7 Anglian Water – No Objection

10.7.1 We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction, and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek advice of the Lead Local Flood Authority or the Internal Drainage Board.

10.8 London Stansted Airport – Concerns

10.8.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Concerns are raised of the potential SuDs and would like to see the applicant provide details of planting dense, marginal vegetation around the periphery of the pond and installing goose proof fencing to deter hazardous waterfowl from the site. This can be mitigated by way of imposing a planning condition for these details to be provided prior to construction of the development.

10.9 NATS Safeguarding – No Objection

10.9.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

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. Representations have been received by the Council objecting to the proposals for the following reasons:

11.2 Object

- 11.2.1**
- Highway & Traffic
The local roads are awful, both in condition and levels of traffic.
The air is more polluted.
 - Biodiversity
The wildlife is being evicted, and our beautiful woods are being slowly suffocated.
 - Infrastructure:
Local schools, doctors are already overrun, and this new development will add to the existing problems.
The S106 agreement was made by UDC without reference to Elsenham Parish Council.
 - Flooding
More buildings will cause major flooding in the area.

- Noise:
The new development would be too close to the M11 for road noise.
- Amenity:
The proposals would result in a loss of light/overshadow and visual blight thereby resulting in harm to adjoining occupiers.
- Housing Mix
A Lack of bungalow provision is proposed.
- Sustainability:
Solar panels should be provided on every roof. No mention in paperwork of how the houses will be heated.

11.3 Comment

11.3.1 The above concerns have been addressed in detail in the main assessment of this report.

12. MATERIAL CONSIDERATIONS

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

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

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

12.2 The Development Plan

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

Ashdon Neighbourhood Plan (Made December 2022)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

13.2.1 Relevant development plan policies and material considerations:

Uttlesford Local Plan (2005):

S7 – Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV3 – Open Spaces and Trees

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV11 – Noise Generators

ENV12 – Groundwater Protection

ENV13 – Exposure to Poor Air Quality

ENV14 – Contaminated Land

ENV15 – Renewable Energy

H9 – Affordable Housing

H10 – Housing Mix

13.3 Supplementary Planning Document or Guidance

13.3.1 Essex County Council Parking Standards (2009)
Uttlesford Local Residential Parking Standards (2013)
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) Whether the layout, design and appearance of the proposal is acceptable**
B) Dwelling mix and Affordable Housing provisions

- C) Access to the site and highway issues
- D) Landscaping and open space
- E) Biodiversity and Protection of Natural Environment
- F) Noise
- G) Drainage
- H) Whether the proposal would cause harm to the amenities of adjoining property occupiers

14.3 A) Whether the layout, design and appearance of the proposal is acceptable

14.3.1 The guidance set out in Section 12 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

14.3.2 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout, and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties because of loss of privacy, loss of daylight, overbearing or overshadowing.

14.3.3 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.

14.3.4 Layout:

14.3.5 Parcel A

14.3.6 The site is characterised by a single spine road linked with the existing Isabel Drive. The built form of the development is set to the eastern side of the spine road with a large landscape area to the west to provide a 20m buffer zone to Alsa Wood separating the ancient woodland from the housing. Dwellings are set in a linear row along the spine road with some small clusters of housing leading off two cul-de-sacs centrally within the site.

14.3.7 Parcel B.

14.3.8 Parcel B will also be accessed by a single point via Station Road with a main spine road leading into the site with smaller roads diverting off it. Housing is proposed to front onto the internal highways. A landscape

bund and acoustic fence is proposed to protect the development from any potential noise created from the M11 motorway traffic to the eastern boundary of the site, running from north to south. To the north of Parcel B, a public open space area has been proposed and encompasses a public footpath in a natural finish. This public open space is positioned in this location to protect and provide a buffer zone between the ancient woodland of Alas wood and the proposed housing.

- 14.3.9** In terms of unit numbers across the two parcels, although indicative site plans were submitted, the outline didn't specify/require a certain number on each so it was determined through the pre-app discussions, particularly in reference to housing mix and a balanced community, that the sites should look to provide a good mix of housing on each parcel.
- 14.3.10** The applicant advised that they did initially work up a scheme along the same lines of the outline but felt that it made Parcel B clearly more "exclusive" with larger detached units and a lower affordable provision and thereby didn't see it being as socially inclusive or provide the right mixed community approach. As such the applicant worked looked to work the parcels up with a more balanced product mix and affordable housing provision which the Housing Officer has supported.
- 14.3.11** Upon review of both parcels, the frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there is some parking towards the front of properties which is not ideal, however, these hard standing areas are broken up with soft landscaping and thereby on balance the visual impact within the street scene is minimal. It is noted however that frontage parking would benefit from street trees every 4 parking bays, but trees not shown.
- 14.3.12** Parcel A has generally poor connectivity to the existing street network. This will discourage walking and cycling. There are opportunities for connections to Alsa Leys, Isable Drive via Claydon Drive, and Dellows Close that would drastically reduce walking times to the station for residents and it is unfortunate that these options have not been explored further by the applicant. Furthermore, Parcel A has some instances of rear garden timber fences jutting out into public open space which is generally found to be unacceptable. The awkward leftover public spaces caused by these gardens could attract anti-social behaviour and fly tipping. The cul-de-sacs on the east of Parcel A again are poorly planned and result in awkward left-over portions of space which is technically public but has no clear use.
- 14.3.13** As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design Guidance stipulates that a distance

of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary. This standard is achieved throughout the site.

14.3.14 Scale:

14.3.15 The Applicant has applied careful consideration in the design rationale behind the scale of the development taking into account the constraints of the site, the surrounding buildings and the natural environment. In terms of height, the applicant has taken the opportunity to provide predominantly 2 storey dwelling houses along with 4 single storey bungalows.

14.3.16 The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings.

14.3.17 Appearance:

14.3.18 The house-types generally seem a little uninspired and generic, without high quality materials, and no indication of how the homes and places have been designed to be specific to Uttlesford (other than material palette) or reflect the particular local character.

14.3.19 However, although the dwellings are not strictly in accordance with the Essex Design Guide in terms of preferred elements and features, the buildings will still provide a reasonable sense of place and are of an appropriate quality to provide a street scene that is visually pleasing and provides a sense of character.

14.3.20 Overall, a simple palette of materials that includes variation in facing bricks, roof tiles, weatherboard cladding, and render is proposed. In addition, selected variations in house design respond to the constraints of the site, ensuring that a neighbourly relationship is created and that a strong frontage is created along the internal highways. Key landmark buildings on corners are proposed across the two parcels to help enhance and reinforce the local character.

14.3.21 The proposals seek to respond to the location of the site on the edge of the village and provide a good quality development.

14.3.22 Quality of Accommodation:

- 14.3.23** All of the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.
- 14.3.24** The new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new home will function, be adaptable and cater to changing lifestyles that meet the needs of families, children and older people.
- 14.3.25** For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For a 1-bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.
- 14.3.26** All residential units within the scheme have been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 14.3.27** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures. Robust and effective designs provide an excellent mechanism to ensure that such measures are delivered within new schemes.
- 14.3.28** However, there is no commitment or no meaningful references to any passive design measures, renewable energy, building fabric specifications, or any other measures that would meaningfully reduce carbon emissions, none of which is in accordance with the Interim Climate Change policy. A suitable worded planning condition should be imposed if permission is granted for the applicant to provide details prior to the construction of the dwellings how the proposals will meet the required standards set out in the Interim Climate Change policy.

14.4. B) Dwelling mix and Affordable Housing provisions

- 14.4.1** 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. Paragraph 62 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.

- 14.4.2** The S106 agreement attached to the outline planning permission specifies that no less than 40% of all housing units are to be affordable housing units and that the applicant should identify the location of affordable housing on the land including the size of the affordable housing units. Importantly, it does not specify that the affordable units need to be spread across the two Parcels of land that makes up the application site or limit the number of units in a cluster. 28 of these units across both Parcels are to be rented affordable units and 12 are to be shared ownership affordable units which amounts to a 70%-30% split. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.
- 14.4.3** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's general stance is that this should equate to approximately 50% of the dwellings.
- 14.4.4** This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 75 of the 99 dwellings proposed comprise of 3 bedrooms or more which equates to 75%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide some additional 1- and 2-bedroom dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.
- 14.4.5** Condition 20 attached to the outline permission requires that 5% of the total dwellings shall be built in accordance with the requirements of M4(3) (wheelchair user dwellings) and the remaining dwellings shall be built out in accordance with requirements M4(2) (accessible and adoptable dwellings) of the Building Regulations.
- 14.4.6** It is acknowledged that wheelchair user dwellings don't necessarily have to consist of bungalows and can consist of ground floors either in apartment buildings or maisonettes.
- 14.4.7** In respect to wheelchair user dwellings, 5% of the total amount of units are proposed. These are located on Plots 31, 32, & 35 on Parcel A, and Plot 56, 71 & 72 on Parcel B. The applicant stipulates that all remaining dwellings will be built to M4(2).
- 14.4.8** Contrary to Parish Council suggestions that 5% of the total amount of dwellings should be bungalows, it is noted that there is currently no local policy, nor is there an obligation contained in the 106 agreement or imposed conditions attached to the outline consent that requires this.

14.4.9 Although there is no requirement to provide bungalows across the site, the applicant has provided the provision of four. These bungalows are located on Plots 31, 32 & 35 for Parcel A and Plot 56 for Parcel B. Plot 35 will be a market dwelling whilst the remaining bungalows would be affordable units.

14.5 C) Access to the site and highway issues

14.5.1 Access:

14.5.2 Access to the development was approved as part of the outline application which established access to the site. New vehicle access points off Isabel Drive (Parcel A) and Stansted Road (Parcel B), provides the main point of access and egress for the whole site.

14.5.3 Parking:

14.5.4 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

14.5.5 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition, each dwelling should also be provided with at least 1 secure cycle covered space.

14.5.6 All parking spaces are a minimum of 2.9m x 5.5m with detached garages having internal dimensions of 3m x 7m. 1 bedroom homes have 1 parking space, 2 and 3 bedroom homes have 2 spaces and 4 bedroom or more homes have 3 spaces.

14.5.7 On the basis of the accommodation mix provided, a minimum of 222 off street parking spaces would be required across the development. A total of 261 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. There is also the allowance for 27 additional visitor parking spaces which amounts to a ratio of 1 in 4 spaces for each dwelling. In addition, secure cycling would be provided for each residential unit within the site.

14.5.8 Each residential unit has also been provided with vehicle electric charging points. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.

14.5.9 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

14.6 D) Landscaping and open space

14.6.1 All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.

14.6.2 Existing mature vegetation along the boundaries of the site have where possible been retained and are used to enhance public open space areas throughout the development in order to achieve a better sense of wellbeing and place making for future occupiers within the development.

14.6.3 The proposals would not result in harm to those trees that are covered by tree preservation orders (TPO's).

14.6.4 The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

14.6.5 Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

14.6.6 The indicative master plan submitted as part of the outline permission showed most of the open space areas sited to the west of Parcel A and to the north of Parcel B.

14.6.7 In total, 1.2 hectares of informal and formal public open space is proposed throughout the two Parcels of land that make up the site. This is easily accessible on foot or bicycle.

14.6.8 It is acknowledged the protection of ancient woodland, ancient trees and veteran trees from development is a material planning consideration that is taken into account when making decisions on planning applications.

- 14.6.9** Paragraph 180(c) states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 14.6.10** Natural England and Forestry Commission provides guidance (known as 'standing advice') to help decide on development proposals that may affect ancient woodland, ancient trees and veteran trees.
- 14.6.11** In this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.
- 14.6.12** The purpose of this zone is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. The standing advice stipulates that for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.
- 14.6.13** A natural landscape area to the west of Parcel A has been created to protect Alsa Wood through means of a 20m buffer separating the ancient woodland and the proposed built area of development. To the north of Parcel B, a public open space area has been created and encompasses a public footpath and Local Equipped Area of Play. This area also contributes to the protection and acts a buffer zone between the proposed built development and the ancient woodland of Alsa Wood.
- 14.6.14** A Local Equipped Area of Play is proposed to the north of Parcel B and will include trees and amenity grassland planting, timber equipment for play and benches. Specifically, the size and amount of play equipment is acceptable, and it will be within convenient locations to the housing and help encourage healthy living.
- 14.6.15** The proposed landscaping of open spaces including street frontages is appropriate.

14.7 E) Biodiversity and Protection of Natural Environment

- 14.7.1** 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.
- 14.7.2** Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.
- 14.7.3** The application site itself is not the subject of any statutory nature conservation designation being largely undeveloped Parcels of arable fields with some mature trees and hedgerows scattered throughout and along its boundaries including woodland.

14.7.4 It is therefore clear that the proposals would not result in adverse impacts in relation to ecology and that in fact a net biodiversity gain is achievable on the site through the implementation of the mitigation measures suggested in the accompanying ecology report. The proposals therefore comply with all policies relating to the conservation and enhancement of biodiversity. Furthermore, no objections were raised by Place Services ecologist.

14.8 F) Noise

14.8.1 It should firstly be advised that the applicant as part of the details of this application is not seeking to discharge the details of Condition 17 imposed on the outline planning permission in relation to noise but is merely showing as part of this application measure of mitigation of noise between the M11 and the housing as part of the layout of the proposals. The details of Condition 17 would be assessed under a 'Discharge of Condition' application at a future date.

14.8.2 The Inspector as part of their assessment of the outline application took into consideration external noise generators and in particular the proximity of the M11 motorway in relation to the built form proposed and how this may potentially harm the amenities of future occupiers in respect to noise and disturbance.

14.8.3 As confirmed within the applicants supporting noise assessment, the Inspector acknowledged that due to the proximity of the proposal to the M11 corridor, a number of dwellings would be subject to moderate adverse impacts and as such the highest noise levels would exceed guidance levels for some plots within Parcel B.

14.8.4 The Inspector concluded in respect to noise and disturbance that subject to additional mitigation measures being secured by way of a planning condition, that on that basis, the proposal would result in permanent adverse impacts being negligible at Parcel A and minor at Parcel B, with moderate impacts remaining in some gardens.

14.8.5 The application was consulted to Council's Environmental Health Officer to consider the proposed noise mitigation measures forming the proposals.

14.8.6 Concerns were initially made that although the mitigation methods to achieve the required internal noise levels demonstrated and complied with the British Standards, approximately one third of the dwellings did not meet the required external noise levels. As such, the applicant during the assessment of the scheme submitted revised drawings slightly amending the layout and design of the proposals and provided an updated noise assessment to reflect the revisions.

14.8.7 Following the review of all revised documentation including the relevant noise assessments and drawings, the environmental health officer confirmed that the reconfigured design to optimise the acoustic environment has resulted in almost all the external garden amenity spaces being under 55db as per the British Standards. The officer confirms that there are a few exceptions to this where there are 5 dwellings within 1db of the standard which in practice would be imperceptible.

14.8.8 The environmental health officer concludes that the internal and external amenity spaces provided throughout the development are acceptable in that there would be no excessive harm upon the amenities of future occupiers from nearby noise sources such as the M11 Motorway. It is also stipulated that the scheme would comply with the requirements of condition 17 imposed on the approved outline permission, however, this would be fully assessed under a future DOC application.

14.9 G) Drainage

14.9.1 The adopted Development Plan Policy GEN3 requires development outside flood risk to avoid increasing the risk of flooding through surface water run-off.

14.9.2 The applicant has submitted a SUDs Design Statement, a SUDs Management and Maintenance Plan, Phase A & B Surface Water Network Documentation and a SUD's Checklist in support of the proposals and to allow for the details of the above condition to be discharged.

14.9.3 The application was consulted to Essex County Council SuD's team who are the lead local flooding authority who confirmed that having reviewed the supporting Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of the planning permission.

14.9.4 The development at the site will not increase flood risk elsewhere and neither direct surface water runoff off site. The proposals will therefore not result in adverse impacts in respect either flood risk or drainage and thereby in accordance with policy GEN3 and GEN6 of the adopted local plan and the NPPF.

14.10 H) Whether the proposal would cause harm to the amenities of adjoining property occupiers

14.10.1 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

14.10.2 Although a large proportion of the new dwellings within the development would have the pleasure of views overlooking public spaces or woodland, other new dwellings would back onto existing. Parcel A is bounded by

residential development to the east and Parcel B is bounded by residential development to the south.

- 14.10.3** The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive nor overbearing when viewed from adjoining properties.
- 14.10.4** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Construction Management Plan would ensure to address these points when the details are submitted.
- 14.10.5** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2, GEN4 and ENV11.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these

issues have been taken into account in the determination of this application

16.1 CONCLUSION

- 16.1.1** The proposed layout of the site generally accords with the approved indicative masterplan that was granted outline permission under appeal by the Inspector. The layout, size and scale of the proposals is considered appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time providing a sense of well-being for future occupiers. The proposed landscaping and open space including street frontage is appropriate.
- 16.1.2** The proposed affordable housing meets the requirements of the S106 agreement and is therefore acceptable and on balance it is considered that the mix of one, two, three four and five bedroom homes across the development is appropriate.
- 16.1.3** It is concluded that the proposed development would cause no harm in relation to highway safety. In addition, appropriate parking provision has been incorporated into the scheme that will meet the needs of future occupiers including visitor parking.
- 16.1.4** It is acknowledged that some dwellings will just fall short of the required standards to mitigate against noise in relation to outdoor amenity, however, on balance the living conditions of future occupiers of the new dwellings would be appropriate and the proposals would not lead to excessive harm upon the amenities of adjoining property occupier surrounding the site.
- 16.1.5** The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It is thereby recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/19/2470/OP subject to the conditions outline below.

17. CONDITIONS

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

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

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

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

- 3** Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed, and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any other purpose other than the parking of vehicles that related to the use of the development unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that on street parking of vehicle in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 4** Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 5** Prior to the construction of the development hereby approved, details shall be submitted and approved by the Local Planning Authority demonstrating appropriate mitigation measures to prevent birds being attracted to the site. The attenuation or infiltration features will need to be designed to be as unattractive to hazardous birds as possible. Planting around these areas should not include fruit or berry bearing plants, trees and shrubs that are attractive to birds hazardous to aircraft.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with the NPPF.

Appendix 1

Lead Local Highway Authority

Essex County Council

CC: Cllr Gooding
Essex Highways DM

Paul Crick
Director for Highways and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/21/2461/DFO

Applicant Dandara Eastern

Site Location Land To The West Of Isabel Drive And Off Stansted Road Eisenham

Proposal Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP

Note

The highway authority has reviewed the reserved matters application and provided two sets of comments on visibility splays, turning heads, footways and general highway layout which the applicant has responded to, the layout is now acceptable.

From a highway and transportation perspective the impact of the proposal as shown in drawing numbers TRE.21.1112-A-B-PL100 rev D, 6478-MJA-SW-XX-DR-C009 rev P2, BT2202-MJA-1810 rev P2, TRE.21.1112-A-PL105 rev D, 6478-MJA-SW-XX-DR-C-500 rev P4, 6478-MJA-SW-XX-DR-C-501 rev P4 is acceptable to the Highway Authority subject to the following mitigation and conditions:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

1. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless

otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Informatives:

- (i) The principle of the traffic calming is accepted, the details will be finalised during the S38 technical approval. This will include an assessment of the need for buildouts at plots 72 and 65 and the additional feature near the entrance of parcel B.
 - (ii) The roads in parcel A are unlikely to be adopted due to the drainage arrangements.
 - (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
 - (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
 - (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
 - (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be
-

- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 13/32 and 13/31 and the Fitch Way (48/47) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.



pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk
Email: Katherine.wilkinson@essex.gov.uk

National Highways



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, Lindsay Trevillian

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

Council's Reference: UTT/21/2461/DFO

National Highways Ref: M11

Location: Land to The West of Isabel Drive and off Stansted Road, Eisenham

Proposal: Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP.

Referring to the consultation on a planning application dated 14 March 2022, referenced above, in the vicinity of the M11, 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

Natural England

Dear Sir or Madam,

Our ref: 386834

Your ref: **UTT/21/2461/DFO**

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 26 August 2021 Reference 364363

The advice provided in our previous response applies equally to this **amendment**

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours faithfully

Julian Clarke

Consultations

Natural England

Hornbeam House, Electra Way

Crewe Business Park

Crewe, Cheshire CW1 6GJ

tel 0300 060 3900

email consultations@naturalengland.org.uk

Lead Local Flooding Authority

From: [Suds](#)
To: [Planning](#)
Subject: [External] RE: Planning Application Consultation - UTT/21/2461/DFO CT
Date: 21 March 2022 09:55:38

Hi Clive

Thank you for your e-mail of 14/03/22, consulting on the updated information for the above application. On reviewing the information, it does not affect the validity of the approved SuDS drainage strategy and therefore our position does not change from our letter of 25th January 2022.

Regards

Richard Atkins

Development and Flood Risk Office

From: planning@uttlesford.gov.uk <planning@uttlesford.gov.uk>

Sent: 14 March 2022 12:48

To: [Suds](mailto:Suds@essex.gov.uk) <Suds@essex.gov.uk>

Subject: Planning Application Consultation - UTT/21/2461/DFO CT

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



Utters field District Council
Planning Services

Date: 25th January 2022
Our Ref: SUDS-005470
Your Ref: UTT/21/2461/DFO

Dear Sir/Madam,

Consultation Response –Land to the West of Isabel Drive and off Stansted Road, Elsenham

Ref: SUDS-005470
LPA Ref: UTT/21/2461/DFO

Thank you for your email received on 06/12/2021 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 of 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 new information received.

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>