



ITEM NUMBER: 7

**PLANNING COMMITTEE
DATE:** 5 July 2023

REFERENCE NUMBER: UTT/21/2519/DFO

LOCATION: Land To the North Of Stewarts Way, Manuden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: June 2023

PROPOSAL: Approval of reserved matters following UTT/19/0022/OP including appearance, landscaping, layout and scale for 22 dwellings, including 40% housing. Children's nursery/pre-school (Class D1) with associated parking. Creation of vehicular and pedestrian access from The Street. Provision of public open spaces, play area, landscaping and Resource Centre. Provision of balancing pond and associated drainage infrastructure.

APPLICANT: Pelham Structures Ltd.

AGENT: N/A

EXPIRY DATE: 16 December 2022

EOT Expiry Date: 23 June 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside development limits, Adjacent Conservation and Listed Buildings, Adjacent Public Footpaths & Protected Lanes, Flood Zone 1.

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

1.1 This application seeks approval of details following the granting of outline planning under reference UTT/19/0022/OP (allowed at appeal Ref: APP/C1570/W/20/3242024) whereby permission was granted for:

“Outline application with all matters reserved except access, for up to 22 dwellings, including 40% affordable units. Provision for children's nursery/pre-school (Class D1), with associated car parking. Creation of vehicular and pedestrian access from The Street. Provision of public open spaces, play area, landscaping and Resource Centre. Provision of balancing pond and associated drainage infrastructure”.

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 discussions during the assessment of the scheme with officers of Uttlesford Council and Essex County Council which has led to revisions being submitted. This has helped to enhance the quality of the scheme in complying with the standards and guidance as per local and national policy and to achieve a sense of better place making whilst ensuring that future occupants and people visiting the site 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, nursery building, and commercial centre provided with appropriate parking and amenity provision to meet the needs of their occupants. Appropriate areas of informal 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/19/0022/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 North of Stewarts Way, Manuden 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 site lies to the west of 'The Street' at the northern edge of the village of Manuden. It is located outside, but adjacent to the settlement boundary of the village.
- 3.3 The topography of the site slopes from northwest to southeast, and more profoundly on the southern side. This creates a rise in the land as one leaves the village from the south. There is also noticeable difference in land levels with a raised bank along the eastern boundary between the site and 'The Street'.

- 3.4** The site is a large arable field free of any established built form, bounded on most sides by mature trees, hedgerows and shrubs and is approximately 4 hectares in size. Existing communal allotments are located within the south-eastern corner of the site.
- 3.5** Residential dwellings varying size, form and detailing are located to the south of the site along Stewarts Drive. A relatively new development consisting of further modern residential dwellings, sports playing fields and a community hall are located on the opposite side of 'The Street' in David Collins Drive & Langlands. Large fields used for agriculture are located to the west and north of the site.
- 3.6** In terms of local designations, the site is not subject to any statutory landscape or ecological designations. The Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. A small cluster of listed buildings lies just beyond the south-eastern corner of the site and although not located within, the site abuts the Manuden Conservation Area. A public footpath running in an east-west direction extends from 'The Street' to Sheepcote Lane along the southern boundary of the site.

4. PROPOSAL

- 4.1** This application relates to the reserved matters following a decision made by an Inspector on 11 January 2021 to allow outline planning permission which was for the erection of 22 residential units, provision for children's nursery/pre-school (Class D1), a resource centre, and other associated works including access, parking, and landscaping under application ref: UTT/19/0022/OP.
- 4.2** Access to the development was approved as part of the outline application which established access to the site. A new vehicle crossover providing the main point of egress for the whole site will be located close to the north-eastern corner of the site along 'The Street'.
- 4.3** The reserved matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of the residential units, children's nursery/pre-school, and resource centre and associated works.
- 4.4** 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 ranging from 1 to 6-bedroom homes. The proposed residential mix is set out below.

Unit Type	Affordable	Market	Total
1 - bed dwelling	1	0	1 (4.5%)
2 - bed dwelling	4	0	4 (18.2%)

3 - bed dwelling	4	1	5 (22.8%)
4 - bed dwelling	0	7	7 (31.8%)
5 - bed dwelling	0	4	4 (18.2%)
6 - bed dwelling	0	1	1 (4.5%)
Total	9 (41%)	13 (59%)	100 (100%)

- 4.5** The dwellings would range between 1 and 2 ½ storeys in height. Dwelling 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. Each of the dwellings within the development has been provided with off street parking spaces and its own private amenity space.
- 4.6** As part of the application and in connection with the outline consent, the scheme is to deliver a pre-school & children’s nursery offering up to 56 children per session in age of infants to 2 years (nursery) and 2 to 4 years (pre-school) is proposed to be built. It is envisaged that the pre-school & nursery would offer two sessions per day (morning & afternoon) 5 days a week between the hours of 7am and 7pm and will employ up to 15 staff.
- 4.7** The proposed building would be single storey in height and would have a total gross internal floor area of approximately 266sq.m on the ground floor. Internally, the building would consist of play areas, staff and managers rooms, toilet and washing facilities, kitchen, and general storage and plant rooms.
- 4.8** The nursery would have its own separate external play space areas. Parking would be provided for at 1 space per full time space staff member plus a drop off and pick up facilities on the site.
- 4.9** The proposed resource centre would be 1 ½ storeys in height with varying ridge heights and roof forms. The building would consist of 8 separate units over two floors and would be primarily used for office space, although it is also envisaged that Unit 4 will form the heart of the resource centre providing a reception, shared amenities such as kitchen/café and recreational space to support the office operations. The units would include a total of 700sq.m of office space ranging from 42sq.m to 190sq.m in size which each having their own access.
- 4.10** It is submitted by the applicant that these units are to provide flexible uses that will provide opportunities for local business to set up or expand. The applicant stipulates that this could result in up to 20-30 people using this facility in which the operational working hours would be from 7am to 10pm on weekdays.
- 4.11** The proposed nursery & pre-school building along with the resource centre have been sited to the southern end of the site to maximise accessibility to the core village centre. These buildings have been arranged and laid out with reference to a typical farmyard forming a

central courtyard where in this instance car parking is proposed. A total of 40 off street vehicle spaces is proposed for the nursery & pre-school building and the resource centre.

- 4.12** It is acknowledged that since the outline permission was granted consent, there has been change to the 'The Town and Country Planning Act (Use Classes) Order 1987 (as amended). The current Use Classes were last updated on 1 September 2020. Outline permission allowed for the resource centre (Use Class B1) and the Nursery (Use Class D1). However, due to the amendments to the Use Class Order both the Nursery and the Resource Centre are now in the new Use Class E which allows more flexible use of the buildings.
- 4.13** Legislation stipulates that where previous or existing uses classes have been allowed or are in operation, planning permission is not required to change the use of a building or land. Thereby where the previous permission was granted for Use Classes B1 & D1, is permissible for these uses to be transferred to Use Class E1 without the need for consent. For confirmation the amended Use Class Order confirms that offices to carry out any operational or administrative functions fall within Use Class E(g)(i), and a Creche, day nursery or day centre falls within Use Class E(i).
- 4.14** In addition to the proposed housing, the provision of approximately 14,572 (1.4 hectares) of informal areas of open space which amounts to 36% of the total site.
- 4.15** The existing public footpath to the south of the site is proposed to be upgraded to provide pedestrian and cycle access from the core of the village to the site.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1** The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest residential-led development, and of an overall scale commensurate with the granted outline permission as allowed by appeal by the Inspector. There would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of this application.

6. RELEVANT SITE HISTORY

- 6.1** The application site contains the following relevant recorded planning history:
- 6.2** UTT/19/0022/OP - Outline application with all matters reserved except access, for up to 22 dwellings, including 40% affordable units. Provision

for children's nursery/pre-school (Class D1), with associated car parking. Creation of vehicular and pedestrian access from The Street. Provision of public open spaces, play area, landscaping and Resource Centre. Provision of balancing pond and associated drainage infrastructure.

- 6.3** The above application was refused by the Council on 7 June 2019 for four reasons of refusal. The reasons related to countryside harm, failure to meet the sustainable transport objectives, impact upon protected species, and a lack of a mechanism to secure affordable housing and other obligations.
- 6.4** Subsequently, to the above decision, the applicant appeal against the Council's decision under appeal refer: APP/C1570/W/20/3242024.
- 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 a Section 106 Legal Agreement and outline permission was granted on 11 January 2021.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.
- 7.2** No pre-application advice was sought by the applicant prior to the submission of this reserve matters application. No evidence has been presented that any community consultation has taken place with respect to the final design and layout of the proposals, however, it is acknowledged that this is not unusual for a submission of a reserve matters application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

- 8.1.1** The Highway authority confirmed in their latest response 28th April 2023 that from a highway and transportation perspective the impact of the proposal is acceptable subject to imposing a condition requiring that the parking layout as indicated shall be provided prior to the occupation of the development.

8.2 Local Flood Authority – No Objection

- 8.2.1** Further to our response of 11/01/23 to the above consultation, we have received representations from Pelham Structures Ltd that the application

was not intended to address Condition 15 of UTT/19/0022/OP, which they intend to discharge in a later application. We therefore withdraw our holding objection to the Reserved Matters application.

8.2.2 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the discharge of the Reserved Matters.

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council in their formal response stipulated that they have strong concerns with this application due to the number of concerns as follows:

- **Significant Departure from Outline Design**; a feeling that the wool has been pulled over the Inspector's eyes - as well as ours!
- **Design, appearance and character of the local area**; impact on local buildings and conservation area. There are many very well-founded objections to the urbanisation of our rural village if this development goes ahead as planned.
- **Commercial spaces**; The potential uses given as examples, the so called internet café and gym would impact heavily on the resources we already have in Manuden. We understand these are indicative only, however what they do point out how little research the developers have done before going ahead with this design.
- **Flood risks**; - especially near and below the access road

9.2 It should be noted that since the Parish Council made the above comments, the applicant has submitted revised plans. The Parish Council were subsequently renotified who expressed in their latest response (21st March 2023) that given the number of our parishioners who have voiced their comments on this proposal, we would much prefer a few more houses in place of the two commercial aspects of the plan. Essentially the Parish Council would prefer to see a full residential scheme rather than a mix development.

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 Council's Environmental Health Team confirmed that they have reviewed all supporting documentation and concluded that the proposals are acceptable subject to imposing conditions in relation to contamination, noise, construction/demolition, external lighting and air quality if permission were to be approved.

10.3 UDC Urban Designer – Objection

10.3.1 Objections raised. Reasons summarised as: rear gardens addressing existing street and open countryside, parking for plots 1-6 results in over provision of hard surface.

10.4 ECC Place Services (Ecology) – No Objection

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures by way of appropriately worded planning conditions on the decision of permission is granted.

10.5 ECC 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 ECC Place Services (Conservation) – No Objection

10.6.1 Place Services confirmed that the proposals would not result in additional harm to that of which was already identified and concluded to be acceptable by the Inspector when assessing the outline application. However, it was felt that the external materials of the proposals could be better to respond to the local character and through the use of omitting crown roofs.

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. Regarding water Supply, this comes within the area covered by Affinity Water.

10.7 London Stansted Airport – Concerns

10.7.1 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.

10.8 NATS Safeguarding – No Objection

10.8.1 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:

- 11.1.2**
- Countryside – The proposals will result in the loss of open countryside and significantly alter the appearance entering into the village. The larger commercial units would threaten local views and damage the sightline from Sheepcote Lane.
Heritage & Character – The proposals will spoil the historic character of the village.
The proposals will shift the focal point of the village from its historic centre around the Church, Village Green, Village School and village pub.
The proposals will result in urban sprawl and the scale is one of urbanisation.
 - Community Facilities – There is no need for offices or a nurser/preschool within the village.
The proposed new facilities will conflict with other local amenities making them unviable.
This is more of a commercial development rather than providing residential.
It would be best to replace the commercial buildings with housing to meet local needs.
No evidence has been put forward as to the need for a resource centre. Manuden does not need business units and commercial spaces.
The size and scale of the commercial buildings are excessive out of keeping with the locality and would harm the countryside and appear like a commercial centre.
There are still lots of new retail spaces and office spaces left completely empty in the village so why is the need for more.

These commercial units would only be viable if used by people travelling in to the village and thereby not sustainable.

- Housing - The houses need to be smaller in size to accommodate those wishing to downsize and to meet local needs.
- Amenity - Loss of light or overshadowing of neighbouring houses, Noise and disturbance resulting from use Parking/loading/turning, Overlooking & loss of privacy for neighbouring houses.
The large commercial structures will be overbearing.
- Biodiversity – The proposals would harm local wildlife and the habitats.
- Flooding & Drainage – The proposals because of more built development and hard standing will add to flood risk of the surrounding locality.
- Traffic & Transportation – The proposals would increase traffic movements and encourage people from outside the village to travel through the village resulting in further traffic congestion and impacts to highway safety.
Increase traffic flow through the village, will add noise, pollution, and disruption to a usually peaceful village.
The proposed access has poor visibility and would result in harm to safety.
- Infrastructure - The water, drainage, internet, doctors, surgeries, dentist availability in Manuden in the surrounding area cannot cope with any further developments of any kind.
- Future Development - The new plans would very much encourage traffic and visitors into the village and are clearly aimed at preparing for future, further development of that field with even more housing and commercialisation.
- Other - This plan differs significantly from the outline plan previously approved in respect to scale and layout.

11.3 Comment

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

12. MATERIAL CONSIDERATIONS

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

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

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

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

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Great Dunmow Neighbourhood Plan (made December 2016)
Felsted Neighbourhood Plan (made Feb 2020)
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)
Little and Great Chesterford Neighbourhood Plan (made February 2023)
Ashdon Neighbourhood Plan (made 6 December 2022)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2** 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
ENV1 – Design of Development within Conservation Areas
ENV2 – Development affecting Listed Buildings
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
LC3 – Community Facilities

13.3 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Whether the layout, scale and appearance of the proposal is acceptable.**
 - B) Dwelling mix and Affordable Housing provisions**
 - C) Access to the site and highway issues**
 - D) Heritage**
 - E) Landscaping and open space**
 - F) Biodiversity and Protection of Natural Environment**
 - G) Drainage**
 - H) Whether the proposal would cause harm to the amenities of adjoining property occupiers**
 - I) Planning Obligations**

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

14.3.1 The scope of outline permissions and reserved matters approval is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the DMPO”). It limits reserved matters approval to issues of: access; appearance; landscaping; layout; and scale. Relevant to this application, it provides the following definitions:

- 14.3.2**
- **‘layout’** means the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development.
 - **‘scale’** means the height, width and length of each building proposed within the development in relation to its surroundings.
 - **‘appearance’** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture.
 - **‘landscaping’**, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:
 - (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;
 - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - (e) the provision of other amenity features.
- 14.3.3** The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission.
- 14.3.4** Where outline planning permission has been granted such as in this case, reserving care should be taken in assessing the interrelationship between (a) such details granted and (b) whether the details submitted for reserved matters’ approval constitutes a material departure from the former within the context of the nature of the development (its site and surroundings), as part of the planning judgement of the decision maker.
- 14.3.5** Referring the proposals, such a judgment might be informed by a comparison between the ratio of the footprints, scale and size of the new dwellings, the new resource centre and the nursery/pre-school buildings. But it would not necessarily be determined by it. It might also need to be considered the significance to be attached to the various dimensions, orientation, and text marked on the [outline] Site Plan in the context of the nature of the development, the site to which the outline planning permission related and its surroundings.
- 14.3.6** Condition 4 imposed on the outline decision notice requires that the reserve matters are constructed in accordance with the approved plans.
- 14.3.7** This section of the report assesses matters of layout, scale, and appearance, whilst matters of landscaping is address further below in section E).
- 14.3.8** Layout:

14.3.9 A layout shows how routes and blocks of development are arranged and relate to one another to create streets, open spaces, and buildings. It defines the structure or settlement pattern; the grain - the pattern of development blocks and plots; and the broad distribution of different uses, and their densities.

14.3.10 Figure 1 below shows the indicative site layout plan that was approved by the Inspector.



Figure 1: Approved indicative site plan ref: UTT/19/0022/OP.

14.3.11 The Inspector concluded within their decision when assessing the outline scheme that:

14.3.12 *“Turning to the impact on the settlement pattern of Manuden, the layout indicated on the indicative plans would be consistent with the linear settlement pattern of the village. The proposal would therefore avoid reinforcing the appearance of buildings climbing the valley side that is evident from the Stewarts Way development.*

14.3.13 The proposed layout the dwellings, the nursery and resource centre are all generally located in similar locations as on the indicative master plan submitted with the outline. The only notable layout being the entrance road, which has been redesigned to take account of the topography of the site, which has also resulted in Plots 1 to 6 being reoriented and set further into the site.

14.3.14 Condition 6 imposed on the outline consent requires that the gradient of the new vehicle access from ‘The Street’ is shall not steeper than 4% (1 in 25) for the first 10 metres from the highway boundary and not steeper than 8% (1 in 12.5).

14.3.15 As a means of complying with Condition 6, the access arrangements have had to be slightly amended. The new access road will now turn along and following the contours of the site extending the south rather than

landscaping buffers around the perimeters of the site which is also consistent with other recently constructed developments in the locality.

- 14.3.20** The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential and commercial development and the surrounding built and natural environment.
- 14.3.21** A clear layout and other routes help people to find their way around so that journeys are easy to make. It is considered that the layout responds to active travel standards. The proposals have given priority to pedestrian and cycle movements, subject to location and the potential to create connections. By considering and prioritising pedestrians and cyclists this has resulted in the creation of routes that are safe, direct, convenient, and accessible for people of all abilities. They have been designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that future occupiers and people will want to use them. The existing public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes.
- 14.3.22** The proposals by reason of its appropriate layout of its buildings and spaces would result in a well-designed development that will have a positive and coherent identity for the future occupiers of both the residential and commercial aspects.
- 14.3.23** Scale:
- 14.3.24** Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts.
- 14.3.25** The outline application and accompanying supporting documentation assumed that all the dwellings would be 2 storeys whilst both the proposed nursery and resource centre would be single storey.
- 14.3.26** The applicant has applied consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment. In terms of height, the scale of the dwellings will provide 1 single storey bungalow position on Plot 9 and 2 storeys dwellings with single storey garages. The addition of a signal 2 ½ dwelling position at Plot 12 is minor and not considered to be a departure from the outline consent granted by the Inspector.
- 14.3.27** 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.

- 14.3.28** The indicative layout plan that was granted as part of the outline consent indicated that both the nursery and resource centre would be single storey. The nursery is proposed as single storey whilst the resource centre would be 1 ½ stores in height with varying ridge heights and roof forms. As with the proposed 2 ½ residential building as discussed above, it is once again confirmed that the addition of a half storey upon the resource centre would not be a significant material departure from that of the outline consent.
- 14.3.29** The scale and form of proposals involving both the residential and commercial aspects of the development will ensure has been sensitively integrated into the built form so that it does not dominate the development, the surrounding locality or the street scene.
- 14.3.30** The scale and proportions of the buildings appropriately frame the internal spaces and highways and are typical of the built form in the locality and thus helping to contribute positively to the local character.
- 14.3.31** The proposals generally adopt typical building forms, composition, articulation, and proportions in the locality and thus the scale and form of the proposals are deemed to be appropriate.
- 14.3.32** Appearance:
- 14.3.33** Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 14.3.34** The materials used for a building affect how well it functions and lasts over time. They also influence how it relates to what is around it and how it is experienced. The scale, form, and appearance of a building influence what materials may be appropriate for its construction. Materials should be practical, durable, affordable, and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings.
- 14.3.35** The dwellings are more contemporary in design with elements of traditional detailing. The dwellings will utilise materials and finishes which can be found in the surrounding locality. External materials will range from facing brickwork (Heritage blend or Mardale Antique with grey or white mortar, generally Flemish bond), Hardieplank fibre cement weatherboarding in neutral colour of cream, light grey or black, painted render, cement and fibres hand applied, and either plain or slate tiled roofs. The proposed materials document ref: 'Proposed Materials October 2022' submitted in support of the application confirms that each dwelling will have its own sense of individuality because of different external finishing, and to provide a coherent street scene.

- 14.3.36** Window and door openings have been arranged to emphasise the visual strength of the facades by allowing as much as possible wide solid piers as between openings and to help provide a symmetrical and balanced appearance.
- 14.3.37** The nursery and resource centre have been modelled in the attempt to provide a traditional farmyard to provide a central courtyard, to reflect the edge of village location. The design prompts take on the appearance of traditional Essex barns.
- 14.3.38** It is acknowledged that there is a wide diversity of traditional rural building types, from different periods within the district. External finishing materials will need to be natural and match the colour size and texture to reflect the surrounding character to reflect the design of traditional rural buildings.
- 14.3.39** The proposed appearance for the nursery is one of which is to utilise horizontal weatherboarding and gabled detail to replicate the features of a traditional barn. The external materials of the resource centre will consist of render, weatherboarding on a brick plinth. The render will comprise of sand, cement and fibres hand applied Hardieplank fibre cement weatherboarding in neutral colour of cream, light grey and plain tiled roof.
- 14.3.40** In respect to window and door openings, these have been kept to a minimal to reflect the design of a general rural building located in a rural area, but at the same time will allow for sufficient natural light into the buildings. The openings are of a size that will respect the building's character.
- 14.3.41** The roof of a building is its most visible feature and forms a key part of the building's character. Traditional buildings' roofs are generally simple in character and composed of local materials. The roof form of the resource centre will vary in height with different ridgelines, it will be set over the long and narrow plain form of the building and consist of both gable projections and hipped roof forms.
- 14.3.42** Although the nursery building is to consist of a crown roof form which is not ideal, it is acknowledged that the overall scale and footprint has been reduced from that set out in the indicative drawings as approved under the outline consent which was oversized. On balance given the reduction in the massing of the nursery, the inclusion of the crown roof is thereby appropriate.
- 14.3.43** The architectural treatment has been designed to provide a cohesive development, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.
- 14.3.44** The scheme proposes to interpret the Essex vernacular in a modern way, using contemporary building forms and materials, but applying them to

buildings that meet 21st Century Building Regulations and performance standards.

- 14.3.45** The proposals seek to respond to the location of the site on the edge of the town and provide a good quality development. The vernacular, architectural detailing and features will respond and contribute to local character.
- 14.3.46** Quality of Accommodation:
- 14.3.47** All the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.
- 14.3.48** Considering this, 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.
- 14.3.49** 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 unit/flat such as the bungalow to be provided on Plot 9 a minimum area of 25sqm is required. 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.
- 14.3.50** 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.
- 14.3.51** 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.
- 14.3.52** The applicant has indicated within their Design and Access Statement that the design of the proposals to help tackle climate change and reduce carbon emissions will include the following techniques and features:
- Solar panels; to take advantage of the renewable source of the sun's energy to power photovoltaic.
 - electricity cells and solar water heated panels.

- Timber frame construction; Using pre-fabricated 'renewable' timber frame manufactured within workshop environment which speeds up construction time and allows better levels of insulation.
- Waste recycling; during construction and future occupation.
- Air source heat pumps; to can take heat from the outside air and use this to heat the dwelling.
- Low voltage lamps; using less electricity than more traditional tungsten lamps.
- Insulation; higher levels of insulation with timber frame construction.

14.3.53 A suitable worded planning condition should be imposed if permission is granted for the applicant to provided 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 or limit the number of units in a cluster. It also stipulates that 50% of the affordable units are to be affordable rent and 50% are to be shared ownership.

14.4.3 A total of 9 residential units are provided as affordable housing which lie as plots 1 to 9 on the site location plan. These would consist of 5 affordable rent (plots 1-4 and 9) and 4 shared ownership (Plots 5, 6, 7, and 8). The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.

14.4.4 The S106 Legal Agreement 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 that one of these units is provided as a single storey affordable rented unit. A single storey bungalow is provided at Plot 9 and thereby meets the requirements of the agreement.

14.4.5 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.

14.4.6 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. 13 of the 13 market dwellings proposed comprise of 3 bedrooms or more which equates to 100%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide more 2- bedroom dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.

14.4.7 In terms of accessibility to the dwellings, each property would be constructed to meet the requirements of Building Regulations, requirement M4(2). The provision of 1no. single storey bungalow would also be constructed to be wheelchair accessible

14.5 C) Access to the site and highway issues

14.5.1 Access:

14.5.2 The details of vehicle access to the site were approved as part of the outline permission ref: UTT/19/0022/OP

14.5.3 The proposals as such include a new vehicle access from 'The Street'. A primary spine road will then enter the site and extend through the residential element of the scheme and lead up to parking court area established for the nursery and resource centre. A smaller secondary road will lead off the main spine road to provide vehicle access to Plots 1 to 6.

14.5.4 The application was consulted to Essex County Council who are the lead local highway authority who confirmed that they have reviewed all supporting documentation including the Transport Statement. The highway authority confirm that they have no objections to the proposals from a highways and transportation perspective and that adequate accessibility and permeability has been provided without result in detrimental harm upon highway safety.

14.5.5 Parking:

14.5.6 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.

14.5.7 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.

- 14.5.8** All parking spaces are to be of 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.
- 14.5.9** Based on the accommodation mix provided, a minimum of 55 off street parking spaces would be required across the residential element of the development. A total of 65 off street parking spaces are provided throughout residential element of the 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 6 additional visitor parking spaces which amounts to a ratio of 1 in 4 spaces for each dwelling.
- 14.5.10** It has not been advised whether each residential unit or the nursery and resource centre has been provided with vehicle electric charging points. However, this would be required by way of condition if planning permission were to be approved.
- 14.5.11** In respect to the proposed resource centre containing the office units, a total of 700sq.m of officer space is proposed throughout. The adopted parking standards stipulates that a maximum of 1 vehicle space is required for every 30sqm of office space. This equates to the maximum requirement of 23 spaces for the office element of the scheme.
- 14.5.12** In addition, 1 space is required for every full-time staff member for the proposed nursery & pre-school facility and it has been stipulated that this facility will accommodate up to 15 members of staff.
- 14.5.13** A total of 40 vehicles spaces (23 for the resource centre & 17 for the nursery) have been provided for the above facilities which includes 3 blue badge spaces. The amount of vehicle spaces would be sufficient to meet the needs of those users of both the nursery & pre-school and the units consisting of office space.
- 14.5.14** In respect to cycle storage, all houses are shown with either garages or sheds to provide secure cycle storage. The submitted landscaping plan ref: 486 x 0000H shows the position of 3 bicycle bollards in and around the resource centre and pre-school providing 64 bike spaces. However, no indication of how these are made secure or whether they are undercover. As such, these could be requested by way of conditions if permission is approved.

14.5.15 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 and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

14.6 D) Heritage

14.6.1 Policy ENV 2 (Development Affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.6.2 The application site is adjacent to the Manuden Conservation Area and several Grade II listed buildings.

14.6.3 The Inspector during the assessment of the outline application considered whether the proposed development would preserve or enhance the settings of these heritage assets. It was confirmed in the appeal decision that the setting of the frontages of the Listed Buildings and views into and out of the Conservation Area would be preserved as the embankment landscaping at the boundary of the site with this part of 'The Street' would be maintained and therefore, provide a substantial visual buffer. This would preserve the appearance of a rural road setting when travelling along 'The Street' and therefore the settings of the heritage assets.

14.6.4 It was further concluded that 'less than substantial harm' on the lower end of the spectrum would occur to the setting to the rear of the listed buildings of numbers 97, 99, and 101 'The Street'. However, it was established that this limited harm was outweighed by the public benefits of the proposals.

14.6.5 The layout and scale of the proposals within the western part of the site that contains the nursery and resource centre are generally in line with that indicated on the indicative drawings approved as part of the outline permission and thereby it is considered that there would be no greater harm upon the surrounding heritage assets to that of which has already been concluded by the Inspector.

14.6.6 The same conclusions were reached by Place Services Conservation Officer who acknowledged in their response *"As previously advised, the proposals are not considered to result in additional harm following the allowed at appeal Outline Application where the Inspector did identify harm. However, I consider that the proposed mitigation could be enhanced further such as to the eastern boundary through greater planting and the reinforcing of existing hedgerows. Concerns remain upon the proposed materials as high-quality materials such as timber*

weatherboarding would better respond to local character and distinctiveness”.

14.6.7 Since the above comments were made by the Conservation Officer, further revised drawings have subsequently been submitted to provide additional timber weatherboarding to both the nursery and office hub buildings to enhance their appearance and to respond to the local distinctiveness.

14.6.8 The proposals thereby comply with Policy ENV2 of the adopted Local Plan and the NPPF.

14.7 E) Landscaping, Arboriculture and Open Space

Landscaping:

14.7.1 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.

14.7.2 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.

14.7.3 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.

14.7.4 Arboriculture:

14.7.5 Some trees, shrubs, and hedges are required to be removed to make way for the new vehicle access along a small section of ‘The Street’. They are not preserved by tree preservation orders, and they will be compensated with the planting of a significant number of trees as indicated on the submitted landscape plan ref: 486 x 0000B.

14.7.6 Open Space:

14.7.7 The quality of the spaces between buildings is as important as the buildings themselves. Public open spaces should be open to all. They provide opportunities for comfort, relaxation, stimulation, and social interaction in a safe environment. To encourage interaction in an open

space, its location and structure need careful consideration along with its activities, versatility, and how it can be used and accessed by all groups of people.

- 14.7.8** 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.
- 14.7.9** In total, 1.4 hectares of informal public open space is proposed throughout the site with most of it lying to the south around the resource centre and pre-school, and to the north near the affordable housing.
- 14.7.10** The proposals are considered to include well-located public spaces that support a wide variety of activities and encourage social interaction and inclusion, that will help to promote health and well-being, and includes a hierarchy of spaces that range from large local spaces to squares, greens and pocket parks. The proposed public spaces will feel safe, secure and attractive for all to use; and have trees and other planting within public spaces for people to enjoy, whilst also providing shading, and air quality and climate change mitigation.
- 14.7.11** The Section 106 Legal agreement attached to the outline planning permission under Schedule 2, Part 3 (LAP and Public Open Space) indicates that *“Prior to the occupation of 80% of the Open Market Housing Units, the LAP and Public Open Space shall be completed and ready for use....”*
- 14.7.12** The definition of a LAP as described within the Legal Agreement under paragraph 1.19 stipulates *“LAP shall mean the local area of play in such position as agreed between UDC, the owners and the Applicants”*.
- 14.7.13** Although not of a traditional LAP that might be expected forming part of residential scheme, the applicant has provided an informal LAP on the site, which will provide an outside teaching space and information play area, which can be used by the public and for the Nursery if they wish to take the children out but will provide a different offering to that of an expected LAP. This is proposed to the south of the resource centre on the open space between it and the existing public footpath.

14.8 F) Biodiversity and Protection of Natural Environment

- 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** Well-designed developments should include site-specific enhancements to achieve biodiversity net gains at neighbourhood, street, and household

level. Green corridors can be used to extend and enhance existing ecosystems. Existing areas of valuable biodiversity are protected and enhanced. Priority should be given to rare or critical habitats and species.

- 14.8.3** Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.
- 14.8.4** 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.
- 14.8.5** No objections were raised by Place Services ecologist who confirmed that the mitigation and enhancement measures identified in the ecology report dated September 2019 were secured by a condition of the outline planning permission (Condition 17 – UTT/19/0022/OP) and is yet to be discharged. This should follow the principles set out in Eco Drawing No 1 (486x04A –Pelham Structures Ltd, Nov 2017).
- 14.8.6** 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.

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** As part of the outline consent allowed by the Inspector, Condition 15 as imposed on the decision notice requires that prior to the commencement of the development the applicant is required to provide a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and the area around The Street.
- 14.9.3** It should be acknowledged that as part of the proposals, the applicant has not provided any information in relation to drainage or flooding of the site.
- 14.9.4** Officers liaised with the applicant concerning the lack of details and stipulated that although it was agreed that that the details regarding drainage/flooding can be further assessed under a 'discharge of condition application', this may result in future revisions to the fix layout that may have already been approved.

- 14.9.5** Officers advised the Applicant that the risk is that when it comes to discharging Condition 15 as imposed on the outline permission, there could be a chance that in order to address potential issues/concerns from those reviewing and accepting the details, revision may need to be made to the layout or design of the scheme that has already been approved. Thus, this could subsequently mean that a revised reserve matters scheme may need to be submitted to address any concerns resulting in further delays to the construction of the development.
- 14.9.6** In response the applicant advised the Council that they were reluctant to go down the route advised by officers as a detailed drainage design is an expensive process and the work can be largely abortive if the layout is then changed, however, minor those changes might be. The applicant confirmed that as such it was their preference to deal with drainage/flooding issues by way applying under the discharge of conditions procedure once the reserve matters is approved and that the layout has been fixed.
- 14.9.7** The application was consulted to Essex County Council SuD's team who are the Lead Local Flooding Authority who confirmed that following confirmation from the applicant that they do not wish to intend to address Condition 15 of UTT/19/0022/OP, and that they intend to discharge this later, that they do not object to the granting of the planning permission.
- 14.9.8** At this stage it cannot be assessed as to whether the proposals would provide a sufficient drainage system or ensure that that it will not result in increased flooding either on site or off site. This would need to be address under a future application known as 'discharge of conditions and officers consider it technically possible to achieve.
- 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** 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.
- 14.10.3** This was also concluded in the Inspectors decision whereby they state "*I have considered the effects on the living conditions of existing residents living close to the site. Whilst some effect on outlook would result from the change in character associated with residential use, the illustrative drawings demonstrate that a detailed design could be achieved at the*

reserved matters stage to ensure that there is no harmful loss of privacy, light, or noise and nuisance resulting from the development”.

- 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** The proposal includes a nursery/pre-school, and other commercial offerings that have the potential to impact on both existing properties and those proposed as part of the development. Whilst this is not considered a barrier to development, it is important to ensure that the nursery, particularly external play areas are designed to minimise the noise impact. A suitable noise mitigation scheme should be (and there is potential to do so) incorporated into the design and construction of the new dwellings, to ensure future occupiers are able to enjoy a good acoustic environment.
- 14.10.6** 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 and GEN4.

14.11 I) Planning Obligations

- 14.11.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 14.11.2** The Section 106 Legal Agreement to permission UTT/19/0022/OP specifies several obligations/requirements in which proposals need to comply with. The proposals have been checked against of the S106 agreement and it is confirmed that the proposals have been designed to facilitate the necessary obligations/requirements as highlighted in the S106 agreement.

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 is in general accordance with the approved indicative masterplan that was granted permission under the outline application. 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 and those people visiting the site. The proposed landscaping and open space including street frontage is appropriate.

16.1.2 The proposed affordable housing meets requirements and can be secured via S106 agreement and is therefore acceptable. The mix of homes across the development is appropriate.

16.1.3 The proposed development would cause no harm in relation to highway safety and promotes active travel and permeability. In addition, appropriate parking provision has been incorporated into the scheme to meet the needs of future occupiers and those utilising the nursery and resource centre, including visitor parking.

16.1.4 The living conditions of future occupiers of the new dwellings would be of good quality and the proposals would not lead to excessive harm upon the amenities of adjoining property occupiers 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/19/0022/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** The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. 304.07 unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policy GEN2 of the Adopted Local Plan and the National Planning Policy Frameworks.

- 4** No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

REASON: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance.

- 5** The proposed development shall not be occupied until such time as the vehicle parking area as shown in principle on DWG OP1-WL-01k (08/03/23), has been provided. The vehicle parking area and associated turning area 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, Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance.

- 6** No building or use hereby permitted shall be occupied or use commenced until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

REASON: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development in accordance with Local Policies GEN1 and GEN2 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance.

- 7** No dwelling shall be occupied until a Noise Assessment is submitted and approved by the Local Planning Authority requiring that 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 LAeq, 16hour

Dining - Dining room/area 40 dB LAeq, 16hour

Sleeping/Daytime Resting - Bedroom 35 dB LAeq, 16hour

23:00 to 07:00

Sleeping/Night-time Bedroom 35 dB LAeq, 8hour

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

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with Local Policy GEN4 and ENV10 Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance. which requires appropriate noise mitigation and sound proofing to noise sensitive development.

8 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing.
- b) Details of any highway works necessary to enable construction to take place.
- c) Details of hoarding.
- d) Management of traffic to reduce congestion.
- e) Control of dust and dirt on the public highway.
- f) Details of consultation and complaint management with local businesses and neighbours.
- g) Waste management proposals.
- h) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- i) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance.

9 All works hereby permitted shall be carried out only between the following hours:

- 08 00 Hours and 18 00 Hours on Mondays to Fridays
- 08 00 and 13 00 Hours on Saturdays and;
- at no time on Sundays and Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above

REASON: In the interests of the amenity of surrounding locality residential premises in accordance with Policies GEN2, and GEN4 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance.

- 10** The use of the nursery/pre-school building, and the resource centre shall not be carried out outside the hours of 07 00 Hours to 20 00 Hours Monday to Saturday and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of surrounding locality residential premises in accordance with Policies GEN2, and GEN4 of the Uttlesford District Local Plan Adopted (2005) and the National Planning Policy Guidance.

- 11** A minimum of a single electric vehicle charging point shall be installed for each the new dwelling and 8 shared between the Nursery/pre-school building and the resource centre. These shall be provided, fully wired and connected, ready to use before first occupation of the buildings.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.

- 12** The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

REASON: To ensure that the appearance of the development is satisfactory in accordance with Local Policy GEN2 Uttlesford Local Plan Adopted (2005) and the National Planning Policy Guidance.

- 13** Prior to commencement of the development hereby approved, measure of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV13 and GEN2, of the Uttlesford District Council Local Plan as Adopted (2005), the National Planning Policy Guidance, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

Appendix 1

Lead Local Highway Authority

Your Ref: UTT/22/2519/DFO
Our Ref: 32735
Date: 28th April 2023



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

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/2519/DFO
Applicant Pelham Structures Ltd.
Site Location Land To The North Of Stewarts Way Manuden
Proposal Approval of reserved matters following UTT/19/0022/OP including appearance, landscaping, layout and scale for 22 dwellings, including 40% housing. Children's nursery/pre-school (Class D1) with associated parking. Creation of vehicular and pedestrian access from The Street. Provision of public open spaces, play area, landscaping and Resource Centre. Provision of balancing pond and associated drainage infrastructure

THIS RECOMMENDATION SUPERSEDES ALL PREVIOUS RECOMMENDATIONS

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.

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

1. The proposed development shall not be occupied until such time as the vehicle parking area as shown in principle on DWG OP1-WL-01k (08/03/23), has been provided. The vehicle parking area and associated turning area 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

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

Informative:

- i. As indicated by the applicant this development will not be offered for adoption to Essex County Council and is likely to remain private
- ii. 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 Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- iv. There shall be no discharge of surface water onto the Highway.
- v. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway
- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyralou
Email: eirini.spyralou@essex.gov.uk

Lead Local Flooding Authority

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



Uttlesford District Council
Planning Services

Date: 26th January 2023
Our Ref: SUDS-006424
Your Ref: UTT/22/2519/DFO

Dear Sir/Madam,

Consultation Response – UTT/22/2519/DFO – Land North of Stewarts Way, Manuden

Further to our response of 11/01/23 to the above consultation, we have received representation from Pelham Structures Ltd that the application was not intended to address Condition 15 of UTT/19/0022/OP, which they intend to discharge in a later application. We therefore wish to withdraw our holding objection to the Reserved Matters 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 discharge of the Reserved Matters

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>

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.

While we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

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