



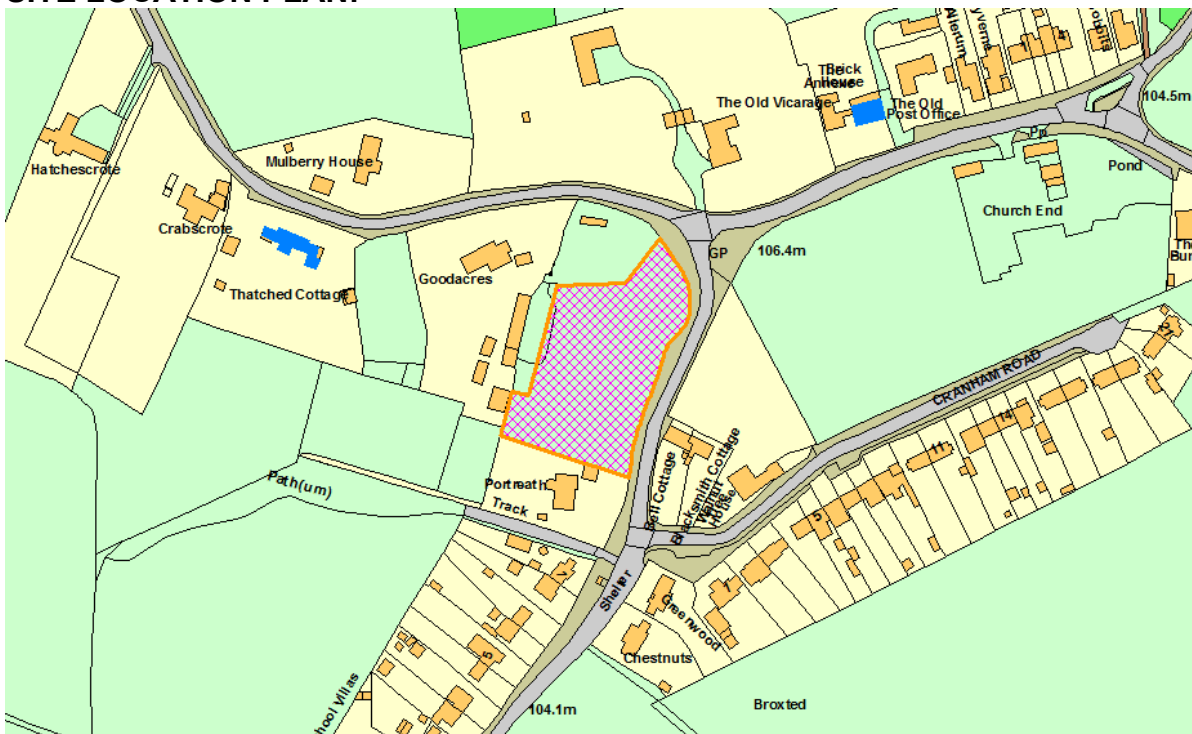
**ITEM NUMBER:** 11

**PLANNING COMMITTEE DATE:** 30 August 2023

**REFERENCE NUMBER:** UTT/23/0493/OP

**LOCATION:** Land East Of Goodacres,  
Church End,  
Broxted,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 31 March 2023

**PROPOSAL:** Outline planning application for the erection of up to 7 no. residential dwellings with all matters reserved except access

**APPLICANT:** Stepton Limited

**AGENT:** Mr R Baker

**EXPIRY DATE:** 25.04.2023

**EOT EXPIRY DATE:** 01.09.2023

**CASE OFFICER:** Mark Sawyers

**NOTATION:** Outside Development Limits  
Within 2km of S.S.S.I.  
Within 6km of Airport (Stansted Airport)  
Within 57dB 16hr LEQ (Stansted Airport)  
Tree Preservation Order - 15/97/44 (Category: 3) [Tree Type: Sycamore]  
Tree Preservation Order - 15/97/44 (Category: 4) [Tree Type: Sycamore]  
Tree Preservation Order - 15/97/44 (Category: 5) [Tree Type: Ash]  
Tree Preservation Order - 15/97/44 (Category: 6) [Tree Type: Sycamore]  
Mineral Safeguarding Area - Sand/Gravel

**REASON THIS APPLICATION IS ON THE AGENDA:** Councillor Interest

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## **1. EXECUTIVE SUMMARY**

**1.1** This outline planning application is for the erection of up to 7 no. new dwellings with all matters reserved except access.

**1.2** It comprises of an irregular shaped approximately 1-acre parcel of land located outside the development envelope situated to the west of Broxted.

**1.3** This proposal would make use of previously undeveloped paddock land and contribute up to 7 no. new dwellings towards the Local Planning Authority's 5YHLS, it would also provide local employment for the life of the build.

## 2. **RECOMMENDATION**

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

- A) Conditions
- B) Section 106 Agreement or Unilateral Undertaking to secure the village green and its maintenance

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

- 3.1 The application site is located to the west of Broxted Road, in Church End, Broxted.
- 3.2 It comprises an irregular shaped approximately 1-acre parcel of land that has been described as paddock land by the applicant.
- 3.3 The site already benefits from vehicular access onto Broxted Road, however, as part of this application it is proposed to relocate this access further to the south of the site away from the junction.
- 3.4 The proposed site is located within flood zone 1, which has a low probability of flooding from rivers and the sea.
- 3.5 It is noted that most developments that are less than 1 hectare (ha) located in flood zone 1 do not need a flood risk assessment (FRA) as part of the planning application.
- 3.6 There are 4-no. trees with tree preservation orders on them located to the eastern boundary of the site in the location of the proposed new access.
- 3.7 The Grade II Listed Cottage known as 'Thatch Cottage' is located approximately 100m to the west of the site.
- 3.8 The site is bound to the both the west and south by dwellings, with additional dwellings located further down the road to the east.

## 4. **PROPOSAL**

- 4.1 The application is for outline planning permission with all matters reserved except access for the erection of up to 7-no. dwellings.

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

## 6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
DUN/0133/64	Site for eight dwellings	(REFUSED)
DUN/0202/65	Site for erection of eight houses	(WITHDRAWN)
DUN/0555/66	Site for residential development	(REFUSED)

## 7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The agent attended the Broxted Parish Council meeting of the 9<sup>th</sup> March 2023 in order to make a presentation and answer questions from the Parish and members of the public in attendance.

## 8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

### 8.1 Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions and informatives.

### 8.2 Local Flood Authority

8.2.1 As we have been consulted on a minor application, we are assuming that there is a potential flood risk on site, therefore we are considering the impact of increased run off rates. The cumulative impacts of minor developments can increase flood risk in an area.

Current processes for assessing major applications cannot be applied in the same way to minor applications as reduced orifice sizing to meet the greenfield 1 in 1 rate can increase the risk of blockages and therefore flood risk.

The required storage volume and run off for the site can be calculated using the UK SUDS website.

Having reviewed the application and the associated revised documents which accompanied the planning application we do not object to the granting of planning permission.

## 9. PARISH COUNCIL COMMENTS

9.1 22<sup>nd</sup> March 2023 – Initial Parish comments for 5 no. residential dwellings

- A number of local residents attended and expressed their views and preferences to the developer's presentation.
- The site is in a sensitive position in the centre of Church End.

- Near listed buildings.
- The parish council does not object to this outline application in itself. However, when considering the type of development and the views of local residents expressed in the public forum of the council the parish needs smaller and more affordable houses.
- In recent years, developments approved for the parish have mainly been for substantial (e.g. five-bedroomed) detached properties.
- The parish council therefore asks the planning authority to consider approving “up to seven dwellings” for the site, on the basis that, with a higher number of dwellings allowed, it would be easier for the developer to provide housing which is affordable for local people than if the approval were limited to five dwellings.

## **9.2** 31<sup>st</sup> May 2023 – Parish comments for up to 7 no. residential dwellings

The Parish Council has significant concerns about this application on a number of issues:

- The proposal does not comply with Uttlesford Local Plan Policies - S7, GEN1, ENV1
- Potential for Archaeological remains
- Highways Issues
- Drainage
- Noise

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

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

- Contamination
- Noise Protection for Dwellings – Aircraft Noise
- Construction/Demolition Management Plan
- Introduction of Air Source Heat Pumps
- Electric Vehicle Charging Points

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

**10.2.1** No comments towards this application.

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

- 10.3.1**
- Both listed buildings appear to enjoy a sufficient degree of physical separation from the site.
  - Unlikely to make a contribution to their significance or the ability to appreciate that significance.
  - Based on the revised indicative site plan, the proposed number of houses appears to be excessive in relation to the available land.

- The proposal for a small number of dwellings on this site will preserve the special interest of the listed buildings.

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

- 10.4.1** No objections subject to the imposition of conditions regarding:
- Biodiversity Compensation and Enhancement Strategy
  - Biodiversity Net Gain Design Stage Report
  - Landscape and Ecological Management Plan (LEMP)
  - Mitigation and enhancement measures
  - Wildlife Sensitive Lighting Design Scheme

#### **10.5 Place Services (Archaeology)**

- 10.5.1** No objections subject to the imposition of conditions regarding:
- Archaeological Investigation
  - Post Excavation Assessment

#### **10.6 NATS Safeguarding**

- 10.6.1** No safeguarding objection to the proposal

#### **10.7 BAA**

- 10.7.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to conditions and informatives to ensure flight safety at Stansted Airport.

### **11. REPRESENTATIONS**

- 11.1** Site notices were displayed on site and 21 notifications letters were sent to nearby properties. As the development concerns minor development that does not accord with the provisions of the development plan, site notices were displayed near the site and in the local press.

#### **11.2 Support**

- 11.2.1** Not Applicable

#### **11.3 Object**

- 11.3.1**
- Number of dwellings proposed out of keeping with area.
  - Impact on the appearance and character of the area.
  - Overdevelopment.
  - Loss of privacy.
  - Overlooking.
  - Noise.
  - Change in street scene.

- Constrained plot.
- Increase in vehicles / traffic.
- Lack of pavements.
- Parking provision.
- Impact on adjacent Listed Building.
- Request for Environmental Health to inspect the site.
- Request for new septic tanks if development is granted.
- Request that this application is reviewed by Uttlesford District Councils Monitoring Officer due to Councillor involvement in the application.
- Questionable location for the new access.
- Increase in HGV activity during construction.
- Concern that this will start more building within the area.
- Disruption during the construction.
- Loss of wildlife habitat.
- Does not meet affordable housing needs of the local community.
- Damage to natural farmland.
- Lack of infrastructure.
- Lack of utilities.
- Flooding.
- Sewage.
- Loss of daylight.
- Narrow road.
- Village green inadequate for purpose.
- Poor condition of the site is not a reason to build houses on it.

#### **11.4 Comment**

- 11.4.1**
- The required statutory consultations have been undertaken.
  - The material consideration will be considered in the following report.
  - Due to there being Councillor involvement, the Councils Monitoring Officer has been overseeing this application throughout the process.

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

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

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

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



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

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

**12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Uttlesford District Local Plan (adopted 2005)  
 Felsted Neighbourhood Plan (made February 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)  
 Great & Little Chesterford Neighbourhood Plan (made February 2023)

**13. POLICY**

**13.1 National Policies**

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

**13.2 Uttlesford District Local Plan 2005**

<b>13.2.1</b>	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H3	Infilling with New Houses
	H10	Housing Mix
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV10	Noise Sensitive Development

ENV13	Exposure to Poor Air Quality
ENV14	Contaminated Land

### **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 playspace  
 Supplementary Planning Document – Developer’s contributions  
 Essex Design Guide  
 Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of development**
  - B) Design**
  - C) Accessibility**
  - D) Biodiversity**
  - E) Trees and Open Spaces**
  - F) Flood Risk**
  - G) Environmental Health**
  - H) Highways Authority**
  - I) Planning Balance**

### **14.3 A) Principle of development**

**14.3.1** The proposed development is for Outline planning application for the erection of up to 7 no. residential dwellings with all matters reserved except access. The application was revised early within the application process after discussions with the Parish Council, where the proposal was amended from 5 no. residential dwellings up to 7 no. residential dwellings.

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

**14.3.3** Uttlesford Local Plan Policy H3 states that Infilling with new houses will be permitted on land if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet the relevant criteria:

- a) The site comprises previously developed land;
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;
- d) Development would support local services and facilities; and
- e) The site is not a key employment site.
- f) Avoid development which makes inefficient use of land.

**14.3.4** The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

**14.3.5** In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

**14.3.6** The National Planning Policy Framework (2021) is a material consideration and paragraph 11 sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

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

**14.3.8** Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory (April 2022) identifies that the Council has a 4.89hls.

#### 14.3.9 *Sustainable Development:*

There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.

#### 14.3.10 *The Countryside:*

The application site is outside defined development limits and is therefore deemed to be in the countryside. Policy S7 of the Uttlesford Local Plan states that the countryside will be ‘protected for its own sake’, that ‘development in the countryside will be strictly controlled’, and that ‘permission will only be given for development that needs to take place there or is appropriate to a rural area’. It goes on to state that development should ‘protect or enhance the particular character of the part of the countryside in which it is set’.

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

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

##### Economic objective:

The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

#### 14.3.13 Social objective:

For the ‘isolation’ issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined ‘isolation’ as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located outside the Development Limits of Broxted, and as such, although not ideally positioned, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable on this occasion.

**14.3.14** For the 'proximity to services' the location is inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities is very limited, which means that for the majority of journeys the only practical option would be the use of cars. Although the new dwellings would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that there are bus stops located within the vicinity of the site. These stops are:

**14.3.15** 2-no. Bus stops (Broxted, Cranham Road) approximately 100m away  
There are regular hourly bus services between Stansted Airport – Saffron Walden as of (1<sup>st</sup> Aug 2022) run Monday-Saturday.

**14.3.16** 2-no. Bus stops (Broxted, Moor End Lane) approximately 180m away  
There are regular hourly bus services between Stansted Airport – Saffron Walden as of (1<sup>st</sup> Aug 2022) run Monday-Saturday.

**14.3.17** Therefore, the proposal accords with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).

**14.3.18** Environmental objective:  
The proposal seeks to make more efficient use of the land and provide housing towards the housing shortfall.

**14.3.19** ***Applying Policy H3 tests:***

Criterion a: The site comprises of undeveloped paddock land.

Criterion b: The site has access to jobs, shops and services by modes other than the car.

Criterion c: The existing infrastructure has the capacity to absorb further development.

Criterion d: The development would support local services and facilities.

Criterion e: The site is not a key employment site.

Criterion f: The proposal would make efficient use of land.

## **14.4 B) Design**

**14.4.1** Matters of design are reserved to detailed application stage and are not required to be considered with the current application. However, it is necessary to establish whether or not up to 7 no. dwellings could reasonably be accommodated at the site based upon the information submitted.

- 14.4.2** Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.
- 14.4.3** The illustrative site plan submitted with the application shows that 7 no. dwellings could be accommodated within the boundaries of the site.
- 14.4.4** The proposed layout is illustrative at this stage of the planning process, however for the illustrative mix as stated within the Planning Statement, 6 no. 3-bedroom and 1 no. 4 bedroom, it is considered to have adequate space for on-plot parking and a private amenity space which would comply with the minimum garden amenity standards as set out within the Essex Design Guide.
- 14.4.5** The Essex Design Guide minimum garden amenity standards for a 3-bedroomed dwelling would be (75sqm) and for a 4-bedroomed dwelling it would require (100sqm).
- 14.4.6** The footprint of the dwellings as indicated shows dwellings that are of comparable proportions relative to the size of the existing surrounding dwellings, there is not one defined style of housing in the area. However, there would be an opportunity at the Reserved Matters stage to negotiate the scale of the proposed dwellings.
- 14.4.7** In terms of parking, the indicative plan would indicate that there is sufficient parking to meet current parking standards, however it must be noted that tandem parking is not a recommended form of parking.
- 14.4.8** The Conservation Officer has based their formal consultation response on the revised indicative site plan. They have stated that the *“proposed number of houses appears to be excessive in relation to the available land”*.
- 14.4.9** In response to the Conservation Officers comments, it must be noted that the site plan is only indicative at this stage of the planning process. The Conservation Officer has not raised concerns with regards of residential development within this location, they have queried the quantum of the residential development proposed for the size of the site.
- 14.4.10** The indicative plan demonstrates that up to 7 no. dwellings would be able to comply with the Essex Design Guides minimum garden amenity standards. This can be secured at the Reserved Matters Stage along with the require number of visitor parking spaces for a development of this size, which would consist of 1.75 visitor spaces.
- 14.4.11** Paragraph 11 of the NPPF (2021), states that *“decisions should apply a presumption in favour of sustainable development”* ... *“including by making effective use of land in urban areas”*, the provision of 7 no. residential dwellings in this under used location coupled with the lack of a

5-year land supply would tip the balance in favour of the redevelopment of the site.

- 14.4.12** The proposed development of up to 7 no. new residential dwellings, would equate to providing a housing density of 7 no. dwellings per acre. At this time, the Uttlesford Adopted Local Plan (2005) does not provide guidance with regards to housing density. Once the new local plan is adopted, it is likely to provide updated guidance of an appropriate housing density for the districts future housing needs.
- 14.4.13** In 2022 the land use change statistics calculated for the period of 2021-2022 by the Department for Levelling up (DLUC) demonstrates that the average density surrounding new residential UK addresses created on previously non-developed land was 24 addresses per hectare.
- 14.4.14** Taking this information into consideration, this would equate to a maximum of 9.6 addresses for a site of this scale.
- 14.4.15** This outline planning application is for access and the principle of up to 7 no residential dwellings. There is scope at the reserve matters stage to agree what scale of dwellings are suitable for the site.
- 14.4.16** The applicant has revised the application from 5 no. dwellinghouses to up to 7 no. dwellinghouses. This does not require that they must submit a Reserved Matters Planning application for the full amount, however the LPA must always assess the application as if this maximum number is to be sought.
- 14.4.17** To bridge the gap between the Council's adopted 2005 local plan and the new one, an Interim Climate Change Planning Policy document has been produced on a non-statutory basis.
- 14.4.18** The main purpose of the document is to reiterate to developers that Uttlesford District Council is resolute about climate change mitigation and adaptation measures.
- 14.4.19** Interim Policy 3: Development should be designed to minimise consumption of water, and should make adequate and appropriate provision for water recycling.
- 14.4.20** The proposed development would therefore trigger the optional requirement under Part G of the Building Regulations for the maximum potential consumption of wholesome water of 110 litres per person per day. This will be secured by condition, and will assist with the Districts Councils climate change mitigation and adaptation measures for future development.
- 14.4.21** Taking this information into account, with regards to housing density, without an up to date local plan or a 5-year land supply, the

redevelopment of the site is considered appropriate subject to the submission of an acceptably designed Reserved Matters application.

**14.4.22** No objections are therefore raised under ULP Policy GEN2 or ULP Interim Climate Change Planning Policy 3 as these issues can be considered at outline stage.

#### **14.5 C) Accessibility**

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

#### **14.6 D) Biodiversity**

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

**14.6.2** Essex County Council Ecology has been consulted, and they are *“satisfied that there is sufficient ecological information available for determination”* subject to conditions securing biodiversity mitigation and enhancement measures.

**14.6.3** It is therefore concluded that subject to conditions the proposal accords with the above policies and guidance insofar as they relate to Nature Conservation.

#### **14.7 E) Trees and Open Spaces**

**14.7.1** The 4-no. trees subject to Tree Preservation Order (15/97/44) are located to the front the site to the east facing the highway. The new access will be set between the lower two of the four trees with the Preservation Order on them. The indicative site plan demonstrates that the dwellings would be set away from the protected trees towards the back of the site.

**14.7.2** If permission is granted, prior to works on site further details of the proposed new access and it's the impact on the root protection zone will be secured via condition. This will also apply with regards to the method of tree protection proposed during construction of the new access.

**14.7.3** In a subsequent Details Following Outline application, it is advised that as part of this application that further details are submitted with regard to the method of tree protection proposed during construction of the new dwellings if permission is granted. Due to the location of the indicative



dwellings proposed, they are not considered to have an impact on the protected trees to the front of the site.

**14.7.4** The applicant has indicated the provision of an area of land to be used as a village green to the north east of the site, this piece of land does not appear to be within their ownership, and would need to be secured by a s106 agreement or a unilateral undertaking in order to transfer the land and for the ongoing maintenance of the land. At this time this time no agreement has been submitted or agreed between the parties.

**14.7.5** Therefore, it is considered that the proposal accords with Uttlesford Local Policy ENV3 and the National Planning Policy Framework (2021).

## **14.8 F) Flood Risk**

**14.8.1** The site is not located within flood zone/plain; as such a flood risk assessment is not a requirement of the planning application.

**14.8.2** Due to the number of new dwellings proposed, the Lead Local Flood Authority (LLFA) has been consulted for their comments.

**14.8.3** It must be noted that due to the site not being set within a flood zone/plain the LLFA has not taken the following into consideration due to the limited risk of flooding:

- 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.

**14.8.4** It is noted that the application site is not located within a flood zone/plain. If permission is granted, it is advised that the applicant demonstrate that the proposal does not increase the level of surface water flooding within the site or outside the application site.

**14.8.5** The LLFA have not objected towards a grant of planning permission towards the proposal.

**14.8.6** As such, the proposal accords with Uttlesford Local Plan Policy GEN3.

## **14.9 G) Environmental Health**

**14.9.1** Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to conditions on the following:

- Submission of a Phase 1 Desk Study report documenting the ground conditions of the site.
- Where necessary the submission of a Phase 2 Site Investigation.
- Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing.
- The submission of a detailed scheme of noise mitigation.
- The Submission of a Construction/Demolition Management Plan.
- Conditions regarding Air Source Heat Pumps and for the installation of electric vehicle charging points to minimise the impact of the development on the air quality of the area.

**14.9.2** Subject to conditions, the proposal is not considered to impact the amenities of the surrounding neighbours and protect the future occupiers from contamination and noise pollution in accordance with policies GEN1, GEN2, GEN4, ENV10, ENV13, ENV14 and ENV15 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2021).

#### **14.10 H) Highways Authority**

**14.10.1** Paragraph 110 (b) of the NPPF states that ‘safe and suitable access to the site can be achieved for all users’, whilst Paragraph 112 (c) asks that development should ‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.’

**14.10.2** Uttlesford Local Plan policy GEN1 relates to safe access and states that “*development will only be permitted where:*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
- e) The development encourages movement by means other than driving a car.”*

**14.10.3** Vehicular access to the proposal site would be via a new vehicular access onto Broxted Road, and the existing access would be closed.

**14.10.4** ECC Highways Authority have been consulted and have no objections to the proposal subject to conditions.

#### **14.11 I) Planning Balance**

**14.11.1** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**14.11.2** Paragraph 11 (d) of the NPPF advises:

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7) or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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

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

**14.11.5** It must be noted that the area is not covered by any 'Made' Neighbourhood Plan.

**14.11.6** Positives:

- The proposal could provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.
- Up to 7-no. new dwellings in this location would be considered to be a more efficient use of land rather than its current use.
- The addition of up to 7-no. new dwellings in this location it would contribute to the Local Planning Authority land supply shortfall, at this time the Local Planning Authority is unable to demonstrate a 5-year land supply.
- The proposal seeks to provide additional village green to mirror the existing green opposite the site.

**14.11.7** Negatives:

- Impact upon the openness of the countryside.
- The proposed scheme would urbanise and domesticate the site.

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

**14.11.9** The principle of development is considered to be acceptable and would be in accordance with Uttlesford Local Plan Policies S7, H3 and the National Planning policy Framework (2021)

## **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.

### **15.3 Response to third party comments**

**15.3.1** The relocated access, increase in vehicular movements, width of road and lack of pavements have been assessed by the Highways Authority and subject to conditions the proposal is considered to be acceptable.

- 15.3.2 The application is not within a flood zone, the Lead Local Flood Authority (SuDS) have reviewed the application and do not object to the granting of planning permission.
- 15.3.3 Environmental Health have been consulted with regards to contamination and noise, they have not raised any concerns and are recommending approval subject to conditions.
- 15.3.4 Ecology have been consulted; they are recommending approval subject to conditions.
- 15.3.5 There is no requirement to provide affordable housing for (ULP policy H9) which require sites of 0.5 hectares or of 15 dwellings or more to provide a 40% affordable housing contribution.
- 15.3.6 Design, appearance, scale, overdevelopment, overlooking, loss of privacy, loss of daylight, parking provision and inadequate village green provision will be assessed at the Reserve Matters Stage.

## **16. CONCLUSION**

- 16.1 The principle of the development is acceptable to the Local Planning Authority.
- 16.2 Matters of design are reserved to detailed application stage and are not required to be considered with the current application.
- 16.3 The proposal would comply with the aims of Part M of the Building Regulations.
- 16.4 Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.
- 16.5 No objections have been raised by the Landscaping Officer, the Trees with Preservation Orders on them will be protected via a condition.
- 16.6 No objections have been raised by the Lead Local Flood Authority (LLFA).
- 16.7 No objections have been raised by Environmental Health.
- 16.8 The Highways Authority are satisfied that the proposal is acceptable, and they have no objections to the proposal subject to conditions.
- 16.9 The Tilted Balance is engaged in favour of development.

## **17. CONDITIONS**

- 1 Approval of the details of layout (including internal layout), scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before

development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

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

- 4** Accordance with Approved Plans

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.

- 5** Contaminated Land

No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by

the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

- 6** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- I. the parking of vehicles of site operatives and visitors,
- II. loading and unloading of plant and materials,
- III. storage of plant and materials used in constructing the development
- IV. wheel and underbody washing facilities
- V. measures to minimise and manage the creation of dust and smoke

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway and flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in the interests of highway safety in accordance with the provisions of Policies GEN1 and GEN2 of the adopted Uttlesford Local Plan 2005.

- 7** No development shall commence on site until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and the and that the individual noise events do not exceed 45 dB LA,max,F more than 10 times a night.

Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded.

Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the adopted Uttlesford Local Plan 2005.

- 8** No development shall take place until a detailed scheme demonstrating the 2-metre footway along the entire site frontage and associated pedestrian crossing point and any other works deemed necessary to deliver this scheme, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority).

REASON: In the interest of highway safety and accessibility in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 9** CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT:

A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;



- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.
- The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) in accordance with Policy GEN7 of the Uttlesford Local Plan (2005).

- 10** No development shall take place until a detailed landscape plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the aerodrome safeguarding authority for Stansted Airport).

REASON: Flight safety – Birdstrike 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. Obstacle avoidance – to ensure that fast-growing, tall tree species do not infringe the aerodrome safeguarding surfaces in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 11** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within an area of archaeological potential, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 12** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 10 above.

REASON: The Historic Environment Record shows that the proposed development lies within an area of archaeological potential, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 13** Within six months of the completion of the fieldwork, unless an alternative timeframe has been agreed in advance (in writing) with Local Planning Authority) a post excavation assessment shall be submitted in writing to the local planning authority for their written approval. This shall result in the completion of post excavation analysis, preparation of a full site

archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record shows that the proposed development lies within an area of archaeological potential, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

**14** The developer should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- b. No dust emissions should leave the boundary of the site.
- c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.
- d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

**15** CONCURRENT WITH RESERVED MATTERS PRIOR TO ANY WORKS ABOVE SLAB LEVEL:

A Biodiversity Compensation and Enhancement Strategy for protected and Priority species and habitats shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

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

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

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

- 16** No part of the development (including construction equipment i.e. cranes) should exceed 15 metres in height (AGL), in order to have no harmful impact on physical safeguarding surfaces at Stansted Airport in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

REASON: Flight safety – Obstacle avoidance, to ensure safe separation between aircraft and the development.

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

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

- 18** The development hereby approved shall be constructed to meet the optional requirement under Part G of the Building Regulations 2010 for the maximum potential consumption of wholesome water of 110 litres per person per day.

REASON: In order to minimise water consumption and to accord with Policy GEN 2 - Design of the Uttlesford Local Plan 2005 and Interim Policy 3 of the Uttlesford Interim Climate Change Policy 2021.

- 19** The air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the adopted Uttlesford Local Plan 2005.

- 20** CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION:

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

**21** CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION:

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of

the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (2005).

- 22** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology Consultancy Ltd., March 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 23** Prior to occupation, each dwelling shall be provided with a fully wired and connected, electric vehicle charging point. The charging point shall be retained in that format thereafter.

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

- 24** Prior to occupation of the development the vehicular access shall be constructed at right angles, to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

- 25** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

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

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

- 27** The existing access shown on the site layout plan DWG 2022.564.02 shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge /kerbing immediately the proposed new access is brought into first beneficial use.

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

- 28** Prior to occupation of any part of the development, a 2-metre footway along the entire site frontage, to include, but not limited to, a pedestrian crossing point to the existing footway on the village green to the north near junction with Church End, and any other works deemed necessary to deliver this scheme, shall be provided.

For the avoidance of doubt, this shall include full depth construction surfacing and drainage.

REASON: In the interest of highway safety and accessibility in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

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

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

- 30** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials (including solar PV) other than clear or obscure glass shall be added to the building without the express consent of the local planning authority in consultation with Stansted Airport.

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

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

REASON: To prevent the site becoming overdeveloped, protect the amenities of the neighbouring dwellings and the setting of the adjacent Listed Building, in accordance with Policies GEN2, GEN4 and ENV2 of the Uttlesford Local Plan (2005).

## APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/23/0493/OP  
Our Ref: 55849  
Date: 4<sup>th</sup> July 2023



CC: (by email) *DM, SMO2, Chelmsford*

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/23/0493/OP  
Applicant Stepton Limited  
Site Location Land East Of Goodacres Church End Broxted Dunmow Essex  
Proposal Outline planning application for the erection of up to 7 no. residential dwellings with all matters reserved except access

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

1. Prior to occupation of the development the vehicular access shall be constructed at right angles, to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety
2. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety
3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety
4. The existing access shown on the site layout plan DWG 2022.564.02 shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge /kerbing immediately the proposed new access is brought into first beneficial use. **Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety
5. Prior to occupation of the development, a 2-metre footway along the entire site frontage, to include, but not limited to, a pedestrian crossing point to the existing footway on the village green to the north near junction with Church End, and any other works deemed necessary to deliver this scheme, shall be provided. For the avoidance of doubt, this



shall include full depth construction surfacing and drainage. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interest of highway safety and accessibility

6. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
- i. the parking of vehicles of site operatives and visitors,
  - ii. loading and unloading of plant and materials,
  - iii. storage of plant and materials used in constructing the development,
  - iv. wheel and underbody washing facilities.

**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway 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. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. 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
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit

*F. Masnie*

.....  
pp. Director for Highways and Transportation  
Enquiries to Eirini Spyratou  
Email: [eirini.spyratou@essex.gov.uk](mailto:eirini.spyratou@essex.gov.uk)

## APPENDIX 2 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

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



Mark Sawyers  
Uttlesford District Council  
Planning Services

Date: 4<sup>th</sup> May 2023  
Our Ref: SUDS-006747  
Your Ref: UTT/23/0493/OP

Dear Sir,

### **Consultation Response – UTT/23/0493/OP – Land East of Goodacres, Church End, Broxton**

Thank you for your email of 24/04/23 which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

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

In providing advice this Council, and their appointed consultants, 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**

As we have been consulted on a minor application, we are assuming that there is a potential flood risk on site, therefore we are considering the impact of increased run off rates. The cumulative impacts of minor developments can increase flood risk in an area.

Current processes for assessing major applications cannot be applied in the same way to minor applications as reduced orifice sizing to meet the greenfield 1 in 1 rate can increase the risk of blockages and therefore flood risk.

The required storage volume and run off for the site can be calculated using the UK SUDS website.

Having reviewed the application and the associated revised documents which accompanied the planning application we **do not object** to the granting of planning permission.

### **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, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Should further correspondence be required, please contact the SuDS team directly using the below details.

Yours sincerely

**Richard Atkins**  
**Development and Flood Risk Officer**  
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