

Committee: Planning

Date: 30 August 2023

Title: UTT/22/1802/FUL

Report Author: Rachel Beale, Senior Planning Officer

Summary

1. Application UTT/22/1802/FUL for the construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure was resolved to be granted planning permission by Planning Committee on 11 January 2023, subject to the completion of a S106.
2. As part of the correspondence between respective legal teams, Officers requested further detail from the NHS due to the original consultation response lacking sufficient detail.
3. Further to the Planning application being presented to the 11 January 2023 Planning Committee meeting, the application was resolved to be approved subject to conditions and S106 Agreement. See Appendix 1.
4. Following the resolution at Planning Committee and during the process of drafting the S106 Agreement a letter has been received from the NHS. The NHS subsequently advised that the original contribution request was incorrect and that an error had been made. **As a result the requested sum is being sought to increase from £61,710 to £154,992.** The error and the revised contribution is a material consideration that needs to be taken into account in order to properly mitigate the impacts of the development upon the NHS service/infrastructure service provision.
5. The matter is before Members today to seek ratification for Officers to revise the Heads of Terms to seek the increased revised contribution amount.

Financial Implications

6. Increased NHS contribution.

Background Papers

7. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report;
 - Planning Committee report dated 11 January 2023
 - NHS letter dated 13 June 2023

Impact

8. The applicant needs to agree the increase in NHS contribution in order to mitigate the proposed development that has been approved. There is a risk that they may not agree the costs of which we would need to assess whether the development is acceptable in the absence of full mitigation. If the LPA consider that the contribution is not sufficient, and the application is refused, there is naturally the risk of the applicant appealing the decision and a risk of costs against the LPA if the Planning Inspectorate allow the appeal.

Communication/Consultation	NHS and the applicant
Community Safety	n/a
Equalities	<p>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.</p> <p>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.</p> <p>Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.</p>
Health and Safety	There would be more money to spend by the NHS to mitigate the development in the area.
Human Rights/Legal Implications	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.
Sustainability	There would be more money to spend by the NHS to mitigate the development in the area.
Ward-specific impacts	There would be more money to spend by the NHS to mitigate the development in the area.
Workforce/Workplace	n/a

Situation

9. As above.

Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
2	1	1	2

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1 – Email correspondence with NHS – email from NHS dated 13 June 2023

Hi Laurence,

I have relooked at the HWE ICB's response of 22 July. As you already know, the financial contribution should be much higher at **£154,992** and not **£61,710**. I am unsure how the figure in the letter of 22nd July was arrived at, but know it is wrong.

As you would have seen from recent responses from the ICB, our responses break down the cost calculation. I hope the following provides the detail both the LPA and the Applicant require, with the revised cost.

Healthcare Needs Arising from the Proposed Development

The proposed development would deliver 120 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 288 new patient registrations.

Development at land at West Of Woodside Way, Dunmow will have an impact on primary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the primary health care impacts from this development, has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls in Dunmow and its vicinity, or other development proposals in the area.

Cost calculation of additional primary healthcare services arising from the development proposal

$288 \text{ new patient registrations} / 2000 = 0.144$ of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development".

$0.144 \times 199 \text{ m}^2 = 28.65 \text{ m}^2$ of additional space required

$28.65 \text{ m}^2 \times \text{£}5,410^* \text{ per m}^2 = \text{£}154,996.50$ (*Build cost; includes fit out and fees)
 $\text{£}154,996.50 / 120 \text{ dwellings} = \text{£}1,291.60$ per dwelling (rounded)

Total GMS monies requested: 120 dwellings x £1,291.60 = **£154,992**

The HWE ICB therefore requests that this sum is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 planning obligation. A trigger point of payment on occupancy of the 1st and 70th Dwelling is also requested.

Please note, the developer contribution figure referred to in this response is a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus Section 106 monies on Angel Lane, John Tasker House and Eden Surgeries and will explore re-configuring, extending or relocating the GP premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open. Also, Section 106 monies may be focussed on a new health care facility in Takeley, where the HWE ICB has a land option for a health facility, relating to land at Warish Hall Farm, Takeley, Appeal reference APP/C1570/W/22/3291524.

In terms of identifying a project in full at this stage, please note:

- All projects are subject to Full Business Case approval by the HWE ICB and NHS England.
- A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and which demonstrates value for money.
- All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public expectation and indicate a promise of improvements and increased capacity, which are subject to both above points. Securing developers contributions to all aspects of healthcare is therefore vital.
- A project identified and costed in response to the planning application may not meet the objectives of current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

In conclusion, in its capacity as the primary healthcare commissioner with full delegation from NHS England, the HWE ICB has identified a need for additional primary healthcare provision to mitigate the impacts arising from the proposed development. The cost calculation, set out above are those that the HWE ICB and NHS England deem appropriate having regard to the formulated needs arising from the development.

The HWE ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations, as set out in the NPPF. Further, NHS England and the HWE ICB reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.

Please do not hesitate to contact me if you require any further information.

Kind regards,

Rachael

Rachael Donovan BA (Hons), BTP, MA (Urban Design)
Town Planning Policy Manager
Hertfordshire and West Essex ICB

ICB website: hertsandwestessex.icb.nhs.uk
ICS website: hertsandwestessexics.org.uk



From: Laurence Ackrill

Sent: 22 May 2023 17:03

To: DONOVAN, Rachael (NHS HERTFORDSHIRE AND WEST ESSEX ICB - 07H) FOGDEN, Sue (NHS HERTFORDSHIRE AND WEST ESSEX ICB - 06K)

Subject: UTT/22/1802/FUL - Wood Field - Land West Of Woodside Way - Dunmow

Hi Rachael / Sue,

I was wondering if either of you would be able to help out with a query I am dealing with regarding the above application site.

The legal team of the applicant are saying that the capital cost calculation of additional primary healthcare services arising from the development proposal needs to be more specific in detail.

I have provided them with the attached, but they are saying that this is not enough.

Any further detail on the cost calculation for this would be greatly appreciated.

Laurence Ackrill
Principal Planning Officer
Development Management

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11 January 2023 Committee Report

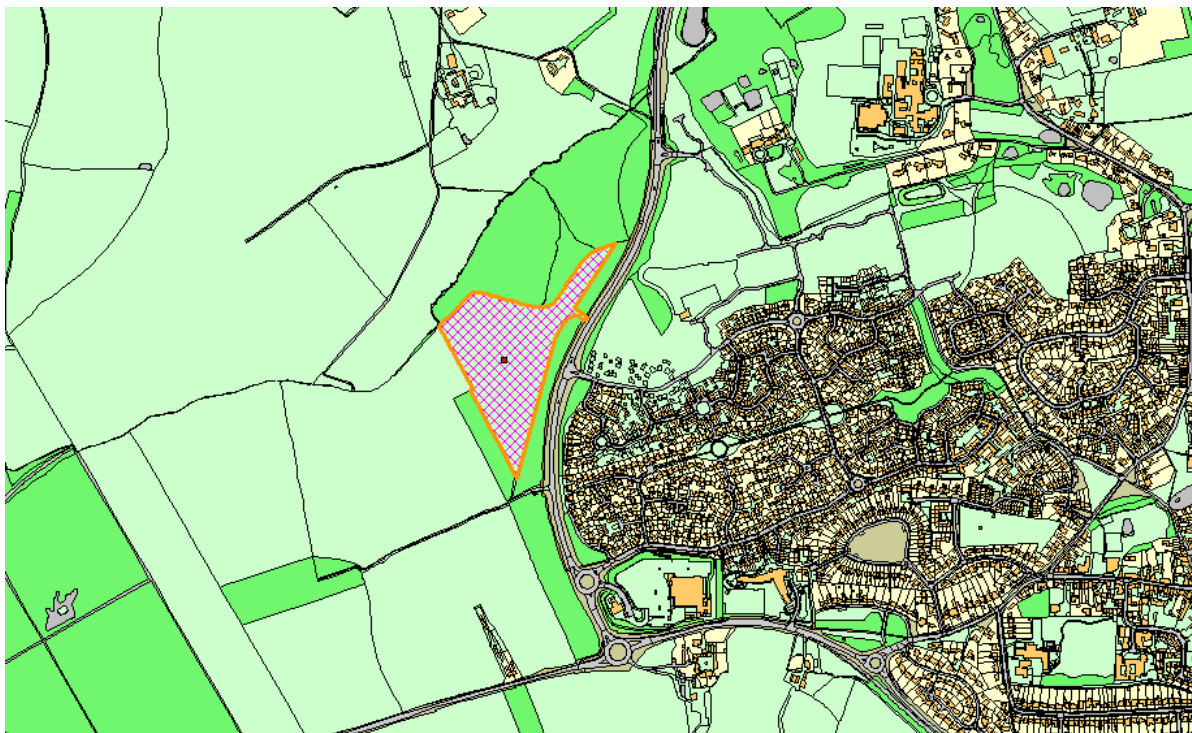
ITEM NUMBER: 7

**PLANNING COMMITTEE 11 January 2023
DATE:**

REFERENCE NUMBER: UTT/22/1802/FUL

**LOCATION: Wood Field (land Adjoining 'Land West Of
Woodside Way'), Dunmow**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council

Date: December 2022

PROPOSAL: Construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

APPLICANT: Bellway Homes Ltd, Mr Christopher Trembath And Mr Timothy Trembath

AGENT: Mr Kieran Wheeler

EXPIRY DATE: 29 September 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits/Adjacent Ancient Woodland, County Wildlife Site (Hoglands Wood) and Public Rights of Way, within 2km of SSSI & within 6km Stansted Airport.

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

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought for the construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside as designated by Policy S7 of the Adopted Local Plan. However, the site would be within the development housing growth 'Town Development Area', as designated by the Great Dunmow Neighbourhood Plan.
- 1.3** As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5-year housing land supply (although its position is improving), paragraph 11 of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.
- 1.4** The proposals would significantly boost the Councils housing supply including the provision of affordable housing. Furthermore, weight has been given in respect to the biodiversity net gain, improvements to transport infrastructure and on-site energy generation from low-carbon sources. The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.5** The application was deferred at the Planning Committee meeting on the 23rd of November 2022 to enable further discussions and clarification to be undertaken regarding the buffer zone to the ancient woodland; useability of open / amenity space; issues regarding active travel & the need to prevent informal access through on to Woodside Way. The applicant has subsequently provided additional material to address the points raised above.
- 1.6** As such, the proposal remains unchanged following the deferral of the application from the 23rd of November 2022 Planning Committee. This report has been amended to reflect the additional detail provided by the applicant in relation the aforementioned elements.

- 1.7 Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of the proposed development.

2. **RECOMMENDATION**

2.1

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

B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

2.2

In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the Council's delivery of housing over the last three years is substantially below its housing target and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

2.3

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

1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005, Policy DS4:TDA of the Great Dunmow Neighbourhood Plan and the National Planning Policy Framework 2021.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site is located to the west of the settlement of Great Dunmow. The site comprises approximately 5.4 hectares of vacant agricultural land.

3.2 Stortford Road / Butlers Lane (B1256) which runs to the south of the site provides access to the A120 to the west of the site. The site is bounded to the east by Woodside Way (B184). To the south-west of the site is a more recently approved residential led, mixed use development site comprising of 790 dwellings, where works have commenced. Hoglands Wood immediately adjoins the site to the north, which is an Ancient Woodland, Important Woodland and County Wildlife Site, with Hoglands Brook located beyond.

3.3 The site is not located within or adjacent to any conservation areas and there are no listed structures on or adjacent to the site. The site is located outside development limits but is located within the housing growth Town Development Area, as designated by the Great Dunmow Neighbourhood Plan.

4. PROPOSAL

4.1 Construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

4.2 Access to the site would be through the adjoining residential led, mixed use site to the west, that is currently under construction, through an extended estate road.

4.3 The developed part of the site would have a net area of approximately 3.6 hectares, with a density of approximately 33.3 dwellings per hectare.

4.4 The site would feature an extension to the attenuation basin from the adjoining site and drainage infrastructure that would provide a landscaped setting to the northern edge, along with a 15m soft-landscaped buffer zone to the Ancient Woodland of Hoglands Wood.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. **RELEVANT SITE HISTORY**

- 6.1 UTT/13/0004/SO - Request for Scoping Opinion in respect of a proposed development of up to 850 homes, community buildings including site for health centre, primary school, playing fields with ancillary buildings (dual use with schools and local community), allotments and supporting road and drainage infrastructure. - Land West Of Woodside Way Woodside Way Great Dunmow Essex - Opinion Given – 28/01/2013.

Adjoining Sites

- 6.2 UTT/13/2107/OP - Outline application, with all matters reserved, for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure - Land West Of Woodside Way Woodside Way Great Dunmow Essex - Approve with Conditions – 27/10/2015.

UTT/16/1466/DFO - Reserved matters approval for the accesses to the site and principal roads within the site including spine road following outline application UTT/13/2107/OP - Land West Of Woodside Way Great Dunmow CM6 1SH - Approve with Conditions – 15/12/2016.

UTT/18/1826/DFO - Details following outline approval UTT/13/2107/OP for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure - details of access into the site (amendments to the access approved under UTT/16/1466/DFO) - Land West Of Woodside Way Woodside Way Dunmow - Approve with Conditions – 28/11/2018.

UTT/20/2220/DFO - Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 326 residential dwellings and associated infrastructure works - Land West Of Woodside Way Woodside Way Dunmow - Approve with Conditions – 19/02/2021.

UTT/20/3419/DFO - Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 464

residential dwellings and associated landscaping and infrastructure works
- Land West Of Woodside Way Woodside Way Dunmow - Approve with
Conditions – 29/03/2021.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- 3 x Pre-application meeting with UDC Officers – Since July 2021.
- Pre-application meetings with Great Dunmow Town Council – 16th May 2022.
- Public consultation with letters sent to 270 addresses within the area around the site – 25th May 2022.
- Pre-application meeting with UDC Members – 11th January 2021.

7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed within Section 3 the supporting Planning Statement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection.

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority (subject to conditions and S106 agreement).

8.2 The Health & Safety Exec.

8.2.1 The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore, at present HSE does not need to be consulted on any developments on this site.

8.3 Highways Agency – No Objection.

8.3.1 We have reviewed the technical information provided in support of this planning application and we conclude that this development will not have a severe impact upon the nearby A120.

8.4 Local Flood Authority – No Objection.

8.4.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to conditions.

8.5 Natural England – No Objection.

8.5.1 That the applicants have agreed to fund the financial contribution sought by the National Trust for the purposes of off-site mitigation for the increased visitor pressure on Hatfield Forest SSSI/NNR arising from the proposed development. On the basis that this contribution will be secured (prior to first occupation) by planning obligation, Natural England would not raise objection to the above application.

9. Great Dunmow Town Council Comments - Object

9.1 Resolved to object on the grounds of lack of connectivity to other sites, failing to comply with policy GA2 of the Great Dunmow Neighbourhood Plan. GEN1 – failing to promote sustainable modes of transport. Environmental impact upon public health due to land contamination issues.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection.

10.1.1 The revised schedule of affordable housing is fine and will assist towards meeting local housing need.

10.2 UDC Environmental Health – Holding Objection.

10.2.1 This service has reviewed this application and whilst there is no objection in principle there are concerns on the levels of noise that some of the site will be subjected to. The application has been supported by a noise impact assessment which makes some recommendations on how suitable internal noise levels can be achieved but does show that there will be areas that significantly exceed the recommended external levels. This service therefore recommends a holding objection until suitable and sufficient information is submitted to address these concerns.

10.2.2 No objection on grounds of contaminated land or air quality, which can be adequately dealt with by way of condition.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 Urban Design Officer – No Objection.

10.4.1 On balance no objection is raised. There are practical suggestions for improvements, the majority of which have been addressed through the application process.

10.4.2 The application has been assessed against the Building for a Healthy Life – Uttlesford Assessment tool was used and a copy of the most up to date assessment is attached as Appendix 1 to this Report.

10.5 ECC Green Infrastructure (GI) – No Objection.

10.5.1 Having reviewed the GI Strategy/ GI Plans/ES/ Design and Access Statement/Landscape plans/EIA/Masterplans and the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to conditions.

10.6 ECC Infrastructure – No Objection.

10.6.1 A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 120 dwellings:

- EY&C – 10.26 pupils = £167,844.96;
- Primary – 34.20 pupils = £559,483.20;
- Secondary – 22.80 pupils = £513,540.00;
- Libraries - £77.80 per unit. = £9,336.00

10.7 Place Services (Ecology) – No Objection

10.7.1 No objection subject to securing biodiversity mitigation and enhancement measures.

10.8 NHS – No Objection subject to mitigating contribution.

10.8.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, Hertfordshire and West Essex Integrated Care Board has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, Hertfordshire and West Essex Integrated Care Board would not wish to raise an objection to the proposed development.

10.9 Aerodrome Safeguarding – No Objection.

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

10.10 National Trust – No Objection.

10.10.1 On the basis of contributions secured for other developments a contribution of £18,000 is requested.

10.11 Anglian Water – No Objection.

10.11.1 Anglian Water have no objection to this application subject to planning conditions.

10.12 Woodland Trust – Object.

10.12.1 The Trust objects to this planning application on the basis of potential indirect impacts to ancient woodland. The applicant should seek to increase the buffer zone proposed to Hoglands Wood to ensure it will be adequately protected from the impacts of the development. Where appropriate mitigation is not achievable then the application should not be taken forward.

11. REPRESENTATIONS

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

- 200 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 9 Comments of objection received.

11.2 Summary of Objections

- Overdevelopment of Dunmow
- Insufficient infrastructure available (schools, healthcare, water supply)
- Impact on wildlife
- Urban Sprawl
- Impact on Carbon footprint
- Negative impact on traffic
- Impact on highway safety
- Issues with lack of public consultation
- Impact on air quality

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

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021) (NPPF)

13.3 Uttlesford District Plan 2005

S7 – The Countryside

S8 – The Countryside Protection Zone

GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient monuments and Sites of Archaeological Importance Policy
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

13.4 Great Dunmow Neighbourhood Plan

Policy DS1: TDA: Town development Limits
Policy DS4: TDA: Land West of Woodside Way
Policy DS8: Building for Life
Policy DS9: Hedgerows
Policy DS10: Eaves Height
Policy DS11: Rendering, Pargeting and Roofing
Policy DS12: Integration of Affordable Housing
Policy DS13: Local Housing Needs
Policy LSC1: Landscape, Setting and Character
Policy GA-A: Public Transport
Policy GA2: Integrating Developments (Paths and Ways)

Policy GA3: Public Transport
Position: HEI-A: Infrastructure Delivery
Policy NE1: Identified Woodland Sites
Policy NE2: Wildlife Corridors
Policy NE3: Street Trees on Development Sites
Policy NE4: Screening
Policy S0S3: Children's Play Space

13.5 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

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

14.3 **A) Principle of development**

Housing Delivery

- 14.3.1** The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.
- 14.3.2** Policy DS13 – Local Housing Needs of the Great Dunmow Neighbourhood Plan highlights that residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom including bungalows which accommodate the needs of the elderly.
- 14.3.3** The proposed scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing and a significant proportion of one and two bedroom units. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

- 14.3.4** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 14.3.5** The application site is located outside of the development limits and in the countryside. Uttlesford Local Plan policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

- 14.3.6** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.3.7** A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

Loss of Agricultural Land

- 14.3.8** Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.
- 14.3.9** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.3.10** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.3.11** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

14.3.12 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.

14.3.13 No assessment of alternative sites of a poorer quality of agricultural category have been undertaken, as such there would be some conflict with Policy ENV5. However, as discussed below, the site is located within an allocated site for residential development, as designated by the more recently adopted Great Dunmow Neighbourhood Plan. Therefore, the loss of the agricultural land in this location is afforded very limited weight and is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

Great Dunmow Neighbourhood Plan

14.3.14 The site is located within the 'Town Development Area' as designated by Policy DS1:TDA of the Great Dunmow Neighbourhood Plan. The purpose of which is to direct future housing growth, protect the rural setting of Great Dunmow and contain the spread of the town by promoting infill within existing built up-areas. Moreover, the land in question forms part of the 'Land West of Woodside Way' site allocation as designated by Policy DS4:TDA, for approximately 800 residential dwellings. This highlights, amongst other criteria, that:

- The development provides for a mixed and balanced community and at least 5% of the residential units across tenure shall be 1 or 2 bedroom units suitable for older persons.
- Makes appropriate contributions towards the provision community infrastructure, Public Transport and cycleways / footpaths.
- A landscape buffer to the north including screening in accordance with policy NE4 and join wildlife corridors in accordance with Policy NE2.
- To avoid unacceptable harm to the living conditions of neighbouring residents.

14.3.15 As highlighted within the Relevant Site History section of this report, part of the site allocation has already been granted planning permission for 790 homes, south of the site, where works have commenced.

14.3.16 Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, any adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three-year supply of deliverable housing sites; and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

14.3.17 Whilst residential development in this location is supported in principle by the Great Dunmow Neighbourhood Plan and this is a material consideration, the Neighbourhood Plan is now more than two years old and as such the added protection of Paragraph 14 would not apply in respect to applications involving the provision of housing. It is therefore necessary to assess whether the application proposal is sustainable development.

Suitability and Location

14.3.18 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

14.3.19 Great Dunmow is identified within the Local Plan settlement hierarchy as being "the focal point of the south-eastern part of the District and the second largest settlement in Uttlesford." Where there is a town centre with a number of services and facilities.

14.3.20 Although outside the 'development limits' of Great Dunmow as designated by the Local Plan, the new built form would be within the 'Town Development Area' of the Neighbourhood Plan and would be constructed towards the western edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when

taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

Policy Position

- 14.3.21** The Council is currently unable to demonstrate a 5YHLS supply and therefore paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.3.22** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.3.23** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.
- 14.3.24** However, taking into account the lack of 5YHLS, when reviewed against the aforementioned policies, particularly that the site has been allocated for residential development within the Great Dunmow Neighbourhood Plan, the proposal is, on balance, considered to be acceptable in principle.

14.4 B) Countryside Impact

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.4.3** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within

Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

- 14.4.4** The application site lies within the character area known as the Broxton Farmland Plateau, which lies between the upper Chelmer and upper Stort River Valleys and stretches from Henham and Ugley Greens eastwards to Molehill Green and the rural fringe to the west of Great Dunmow.
- 14.4.5** The area is characterised by gently undulating farmland on glacial till plateau, dissected by River Roding. The assessment describes the key characteristics for the landscape area as being the open nature of the skyline of higher areas of plateau is visually sensitive, with new development potentially visible within expansive views across the plateau. There are also several important wildlife habitats within the area, which are sensitive to changes in land management. Overall, this character area has moderate to high sensitivity to change. The assessment also highlights that any new development should respond to historic settlement pattern, especially scale and density, and that use of materials, and especially colour, is appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.
- 14.4.6** With regards to the application site specifically, the applicant has submitted a Landscape Visual Appraisal which notes that the Site is not considered to be a Valued landscape and is of medium quality in terms of its overall value. Its sensitivity to development, as set out in published Character Area appraisals is reduced to medium to low taking into account the enclosed nature of the Site and the considerable level of development in the immediate surroundings.
- 14.4.7** It is acknowledged that the proposal introducing 120 dwellings, with associated infrastructure would bring change to the visual aspects and character of the site. However, the site sits in between larger scale residential developments to the west and on the opposite side of Woodside Way, to the east, whilst the northern boundary would largely be bound by Hoglands Wood and would therefore be enclosed by mature boundary planting and developments being built out.
- 14.4.8** This sense of enclosure means that these areas of the site are largely separate from the wider landscape. As such, the proposal would have little visual impact and effect on the wider landscape character area.

14.5 C) Design & Neighbouring Amenity

Design

- 14.5.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

Layout

- 14.5.2** The layout is characterised by six distinct character areas, being "The Glade", to the north of the site with a landscaped edge and a 15m buffer to the ancient woodland further north, "Internal Spaces" broken up into two areas within the central parts of the site, "The Avenue" which provides longer views through the centre of the site, "Entrance Green", which is to act as the 'public face' of the scheme with a landscaped edge. "Woodside Anterior" with a buffer of trees facing on to Woodside Way (B184) and "The Pan Handle" to the very north of the site, a one-sided cul-de-sac at the lowest density for the site, again with a 15m buffer to the ancient woodland.
- 14.5.3** The arrangement of buildings has taken into account the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development, Woodside Way (B184) to the east, previously approved residential schemes to the south, and the location of green infrastructure within, and adjoining, the proposed development. The layout comprises a mix of attached, detached and semi-detached houses and bungalows, together with detached two storey blocks of flats. All of the proposed houses and flats are provided with generous outdoor amenity space in the form of rear gardens, which have been designed to ensure they are not overlooked by neighbouring dwellings.
- 14.5.4** The proposed layout adopts many positive design principles. Further, these proposals have been assessed against the Design Council/ CABI Building for Life principles. The proposal is therefore considered to be consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, Policy DS8 of the Great Dunmow Neighbourhood Plan, and the Essex Design Guide.

Scale

14.5.5 The scale of the buildings within the proposal follows the principles of the planning permissions granted at the adjacent sites to the south. There would be a clear differentiation between the inner and outer parts of the site in terms of scale and density. The general scale of the buildings would be two storey, other than the provision of bungalow dwellings at one storey in height. All the proposed plots would be between 5m and 10m from finished floor level to roof ridge level.

14.5.6 Given the above, it is concluded that the proposed scale of the development would be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, Policy DS10 of the Great Dunmow Neighbourhood Plan, and the Essex Design Guide.

Landscaping

14.5.7 The landscape strategy addresses the landscape, arboricultural and ecological constraints and opportunities afforded by the site. These elements have been taken into account in order to formulate a robust and holistic landscape strategy for the site. The overall vision for the Site's proposed new landscape and public realm is to create a distinctive, high-quality place, which is informed by best practice design guidance. Central to these proposals is to create a pedestrian friendly environment with a strong sense of place. An 'entrance green' providing a 'public face' to the development from the adjoining residential development site would create a positive and expansive green gateway at the main entrance into the site. The site would feature an extension to the attenuation basin and drainage infrastructure that would provide a landscaped setting to the northern edge.

14.5.8 The 'Entrance Green' would provide a public open space featuring a LAP/LEAP Children's Play area. Whilst this is in close proximity to the main entrance to the site, the inclusion of substantial planting and 'raised tables' would ensure that this area is clearly defined and separated providing suitable access for new residents.

14.5.9 A planted 15m buffer will be maintained between the edge of the development and the Ancient Woodland. The buffer will be planted with a new boundary hedgerow and a substantial linear belt of thorny scrub species as well as a new tree belt planting to protect the edge of the woodland.

- 14.5.10** The primary streets would be tree lined along the southern edge, with front gardens would be fronted by hedgerows. Tree and hedgerow planting would also be located along the periphery of the site.
- 14.5.11** Overall, the proposals provide a high quality multi-functional open space, which will serve a range of requirements, whilst also providing a range of recreational opportunities, and this arrangement is considered acceptable to the Local Planning Authority. The proposals are therefore considered to be consistent with the provisions of Policies ENV3 and LC4 of the adopted Uttlesford Local Plan 2005, and Policies LSC1 and DS4:TDA of the Great Dunmow Neighbourhood Plan.

Design Summary

- 14.5.12** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. The appearance of the proposed residential units has been informed by the development of the different character areas identified above.
- 14.5.13** The Council's Urban Design Officer considers the scheme to be largely compliant with Local Plan Policy GEN2 and the Building for a Healthy Life Design Code, in terms of layout, scale, material palette and landscaping. Although a lack of a perimeter footpath has been raised as a concern, it is noted that the applicant is unable to implement such measures due to land ownership issues. However, given the overall quality level of design provided by the proposal, this element in itself is not considered to be of sufficient concern to justify refusal of the application.
- 14.5.14** Similarly, the ECC Green Infrastructure Team have been consulted as part of the application and raise no objection to the proposal, subject to conditions.
- 14.5.15** In general terms, the proposed choice of materials will give a good variety of treatments across the site, which would enhance the setting of the development. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005, and Policy DS11 of the Great Dunmow Neighbourhood Plan.

Neighbouring Amenity

- 14.5.16** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local

Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

- 14.5.17** As noted above, the proposal would be up to two storeys in scale, ranging from 5m to 10m in height. The proposed site would be located due north-east of closest neighbouring residential development, where there would be a substantial soft-landscaped buffer between the sites that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook.
- 14.5.18** The site would be separated from the closest residential properties to east by existing strong planting that borders Woodside Way (B184), and to the north by Hoglands Wood.
- 14.5.19** Given the generous spacings between the proposed units within the development and to that of the closest neighbouring residential developments, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and DS4:TDA of the Great Dunmow Neighbourhood Plan.

Standard of Accommodation

- 14.5.20** In terms of the amenity of future occupiers, the proposed units would be dual aspect and would provide sufficient levels of outlook, daylight and natural ventilation for the future occupiers. All of the proposed houses and bungalows will have direct access to private amenity space in the form of gardens that comply with the relevant Essex Design Guide standards of 100sqm for 3 bed + houses, and 50sqm for 1 or 2 bed Houses. The apartments would have access to landscaped communal spaces. It is important to note that there are no prescriptive requirements in terms of open space either within the Local Plan, or Neighbourhood Plan. However, as part of the proposal, 1.53ha (29.02%) of the site would be provided as either public open space or private amenity space, not including the 15m buffer zone to the Ancient Woodland and attenuation features which would make up 0.697ha (13.23%) of the site.
- 14.5.21** In terms of noise, it is noted that site is located next to Woodside Way (B184) and the Council's Environmental Health Team have been consulted as part of the application and raise no objection in principle to the proposed development. However, there are concerns on the levels of noise that some of the site will be subjected to.

- 14.5.22** They consider that the potential levels of noise to the dwellings and the majority of external areas could be adequately mitigated through the installation or reasonable noise protection measures. However, there would be gardens along the eastern site boundary, along the 'Pan Handle' part of the development that are predicted to be over this recommended noise level.
- 14.5.23** Given the small number of dwellings this would potentially affect (5 plots) and that there would be adequate mitigation measures put in place to ensure the internal areas of all the dwellings would achieve adequate noise levels; no objection is raised to this aspect of the proposal. In addition, no in principle concerns have been raised in terms of air quality, subject to conditions.
- 14.5.24** Overall, whilst a small number of external garden areas would be exposed to noise levels that may exceed recommended levels, the proposed development would provide a high-quality standard of accommodation in all other areas for future occupiers of the development. As such, overall the proposal would be in accordance with Policies GEN2 of the Local Plan and DS4:TDA of the Great Dunmow Neighbourhood Plan.

14.6 D) Heritage impacts and Archaeology

- 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** There are no designated or scheduled heritage assets within or immediately adjacent to the proposed development that would be impacted upon.
- 14.6.3** In terms of archaeology, policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

14.6.4 The site is not located within or adjacent to an archaeological site. However, Policy DS4:TDA of the Great Dunmow Neighbourhood Plan states within the Site Allocation requirements that 'any successful application for development must be accompanied by an appropriate assessment of the site's archaeological deposits'. Whilst an Archaeological Assessment has not been submitted as part of the application, it is noted that as part of the outline planning application for the development directly south of the site included a desk based archaeological assessment. This showed that whilst there was potential for previously unknown archaeological deposits to be present within the area, these were unlikely to be any sites of national significance. Given the proximity of that site to the application site that is the subject of this report and given that the site circumstances have not changed significantly since the determination of that application, it is considered reasonable that the proposed development would be unlikely to have any direct impact on archaeological remains of significance.

14.6.5 As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan and DS4:TDA of the Great Dunmow Neighbourhood Plan.

14.7 E) Affordable Housing Mix and Tenure

Affordable Housing

14.7.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

14.7.2 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 120 properties. This amounts to 48 affordable housing properties.

14.7.3 The proposed 40% affordable housing would be split with 25% being First Homes, in accordance the government's guidance minimum target. 4%

would be Shared Ownership units with 71% being for Affordable Rent. This would represent a substantial contribution to the Council's affordable housing objectives as described above and would help meet the stated need for low-cost Council rented housing in this part of Uttlesford. The affordable housing units would be evenly dispersed across the site. As such, the proposal would contribute to the creation of a mixed and balanced community in this area.

Housing Mix

- 14.7.4** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 14.7.5** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. In addition, the Site Allocation DS4: TDA requirements state that at least 5% of the residential units across tenure shall be 1 or 2 bedrooms.
- 14.7.6** The accommodation mix proposed is as follows: 1 bed units at 6%, 2 bed units at 24%, with four of these being 2-bedroom bungalows, 3 bed units at 40% & 4 bed units at 28%.
- 14.7.7** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 6 bungalows across the whole site delivered.
- 14.7.8** The Council's Housing Officer has been consulted as part of the proposed development and considers the housing mix and tenure split to be appropriate in planning policy and housing strategy terms. As such, it is considered that the proposed provision of affordable housing, and the overall mix and tenure of housing provided within this proposed development, is acceptable and in accordance with policies H9 of the Local Plan & DS4: TDA of the Great Dunmow Neighbourhood Plan.

14.8 F) Access and Parking

Access

- 14.8.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.8.2** The application extends the approved West of Woodside Way scheme to the south and relies on the infrastructure for that site for access to the site and sustainable transport connections. While there is impact on the network this has been tested as cumulative impact with committed development. The choice of accesses on to the highway network, the community facilities, sustainable transport mitigation measures and capacity enhancements secured through the previous scheme, and yet to be implemented, will help absorb this.
- 14.8.3** Due to the reliance on the access and infrastructure associated with the Land West of Woodside Way development the development should not be occupied until the access onto Woodside Way and the crossings and footway cycleways have been provided.
- 14.8.4** It is noted that concerns have been raised by Great Dunmow Town Council in relation to a lack of connectivity to other sites, contrary to policy GA2 of the Great Dunmow Neighbourhood Plan. However, the policy wording states that developments 'will be expected, wherever possible', to be linked and well-integrated with the surrounding footpath and bridleway network. Whilst a cycle/footpath directly on to Woodside Way would be desirable, this would require crossing land that is outside of the ownership of the applicant and therefore not possible as part of this application proposal.
- 14.8.5** It is important to view the proposal in relation to the adjoining approved development sites within the same Site Allocation within the Neighbourhood Plan. The site is situated in close proximity and within walking distance of a number of community facilities and services, including 850m (10-minute walk) of the nearest supermarket, 480m (6 minute walk) from the proposed school site, 565m (7 minute walk) from the allotments and 500m (6 minute walk) from the community centre that is due to be brought forward as part of the wider Site Allocation masterplan.
- 14.8.6** The highway authority has advised that the most appropriate way to mitigate the impact of the development is through provision and

improvement of sustainable transport connections and to this end a contribution to bus services, a crossing of the spine road and a contribution for public rights of way linking to Helena Romanes School mean that the highway authority does not consider the residual cumulative impact on the highway network to be severe and there would be a number of measures incorporated to promote active travel to and from the site.

Pedestrian Access onto Woodside Way

- 14.8.7** Woodside Way would be separated from the closest residential properties to the eastern boundary of the site by existing substantial planting that borders Woodside Way. The existing planting therefore ensures that this area is not overly accessible and will serve to restrict informal access on to Woodside Way. It is also important to note that the ECC Highway Authority have not raised any concerns with regards to the proposals impact upon highway / pedestrian safety in this regard.

14.9 G) Nature Conservation & Trees

Nature Conservation

- 14.9.1** 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.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is adjacent to the Hoglands Wood Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat.
- 14.9.3** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.
- 14.9.4** For the largest, strategic housing sites (100+ units) such as this proposal, Natural England advises that recreational pressure impacts on this designated site are additionally mitigated via the provision of Suitable

Accessible Natural Greenspace (SANG), a specific form of Green Infrastructure, to be provided within the red-line boundary of the proposed development as an avoidance measure. Natural England advise on using a distance of 2.7km for a daily walking route within attractive greenspace on the site and/or with links to surrounding public rights of way (PRoW). ANG 'standard' accepted by Natural England is 8ha greenspace per 1000 population as per Thames Basin Heaths and this requires a commitment to its long-term maintenance and management to be secured by a Landscape and Ecological Management Plan to be secured by a condition of any consent.

- 14.9.5** The Ecological Assessment REV C (SES, October 2022) states that the proposed scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution towards the SAMM and the provision of on-site ANG. The proposals also provide connectivity to walking routes in the wider landscape. This financial contribution is to be secured by a S106 agreement to mitigate predicted impacts on Hatfield Forest NNR/SSSI.
- 14.9.6** The proposal would include biodiversity enhancements, which have been outlined within the Ecological Assessment Rev C (SES, October 2022). This includes delivery of at least 10% Biodiversity Net Gain, a vegetated buffer along the northern boundary, provision of integrated bird and bat boxes, and permeable fencing for Hedgehog. This will ensure net gain for biodiversity, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021.
- 14.9.7** It is noted that the Woodland Trust have objected to the proposed development, requesting a buffer zone of at least 50m between the Woodland and the proposed development. However, Standing Advice issued by Natural England and The Forestry Commission recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Hoglands Wood in respect of any resulting loss or deterioration. The proposed buffer zone would also extend beyond the 15m minimum requirement in some areas, extending beyond 30 metres. In addition, the buffer zone would comprise of a planted linear belt of thorny scrub species as well as a new tree belt planting to protect the edge of the woodland.

Trees

14.9.8 The proposed development would result in the loss of 5 individual trees and part of 2 groups of trees and 2 groups of hedges. It is noted that 2 of the trees are category B trees. However, these are required to be removed to facilitate access to the development site. These losses would be mitigated by proposed new tree and hedge planting. Extensive planting of street trees is proposed throughout the development and will largely comprise of varieties of different species of indigenous trees.

14.9.9 In addition, the use of hedgerows throughout the scheme to garden areas and also defensive woodland planting across large areas to front of Hoglands Wood would off-set the loss of the proposed vegetation to be removed. A fully detailed scheme of protective measures for existing vegetation to be retained would be conditioned as part of any approval.

14.9.10 Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8 and DS9, NE1 & NE2 of the Great Dunmow Neighbourhood Plan.

14.10 H) Climate Change

14.10.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

14.10.2 The applicant has submitted an Energy and Sustainability Statement which highlights that the proposal has adopted a 'fabric First' approach to maximise the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems.

14.10.3 The statement demonstrates that the development would be constructed to meet the requirements of Part L of building regulations, delivering at least a 31% reduction in CO2 emissions. This would be achieved largely through the use of solar thermal systems and PV Panels.

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

14.11 I) Contamination

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

14.11.2 It is noted that concerns have been raised by the Great Dunmow Town Council with regards to potential large-scale tipping of material arising from the construction of Woodside Way bypass. However, the applicant has provided a Geo-Environmental Assessment which concluded that based on the results of the site investigation the proposed site was generally found to be free of any significant contaminative issues. The Council's Environmental Health Officer has been consulted on the application and has suggested this could be adequately dealt with by way of condition, ensuring that further assessment of the nature and extent of contamination should be submitted to and approved in writing by the Local Planning Authority.

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

14.12 J) Flooding

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

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

14.12.3 New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the

development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.12.4 The proposal would utilise an extension to the attenuation basin on the adjoining residential development and a linear vegetated drainage feature which would convey low flows within the basin. Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.

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

14.13 K) Air Quality

14.13.1 The site is not located within a poor air quality zone. However, an air quality assessment has not been provided. The Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard, subject to the imposition of a condition relating to the submission of an Air Quality Assessment including appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment including during construction.

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

14.14 L) Planning Obligations

14.14.1 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.

- 14.14.2**
- Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £167,844.96).
 - Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £559,483.20).
 - Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £513,540.00).
 - Libraries: Financial contribution of £9,336 (£77.80 per unit).
 - National Trust mitigation contribution: Financial contribution of £18,000.
 - NHS: Financial contribution of £61,710.
 - A financial contribution of £312,000 (£2600 per dwelling) towards improvements to enhanced and diverted bus services.
 - A financial contribution of £10,000 (index linked) to be paid to the highway authority for the processing and implementation of a Traffic Regulation Order and supporting signs and lines to implement the successful order to limit parking on the access road through the committed development to the south.
 - A financial contribution of £12,360 (index linked) shall be paid the highway authority for works to the public rights of way 18/15, 18/79 and 18/87 in the vicinity of the site, such works to include, but not be limited to, surfacing, drainage and signage of the footpaths.
 - An annual monitoring fee of £1,596 (index linked) for the monitoring of a Residential Travel Plan, for a minimum period of 1 year from first occupation to final occupation.

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.5 Human Rights

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

16 Planning Balance and Conclusion

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

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

16.3 The proposed development seeks to deliver the aspirations of Site Allocation DS4:TDA by providing high-quality new housing on land allocated for housing growth. The development would provide 120 new homes including 48 much needed affordable homes which will be

delivered as a split between affordable rented, shared ownership and first homes. As such, the development is wholly supported in land use terms.

16.4 The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.

16.5 Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have a minor adverse effect on both the landscape and visual amenity, but this would decrease to a negligible effect once strategic planting has established. The impacts of noise on the development would be mitigated and affect a small area of the site.

16.6 Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

16.7 Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

16.8 It is therefore recommended that the application be approved subject to the suggested conditions

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Provision of 40% affordable housing.
 - ii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
 - iii. Payment of education financial contributions; Early Years, Primary, Secondary and Libraries.
 - iv. Provision and long-term on-going maintenance of public open space (including LAP/LEAP).

- v. Financial contributions towards the implementation of sustainable highway improvements / restrictions.
- vi. Financial contribution towards maintenance / improvements to public rights of way (18/15, 18/79 & 18/87).
- vii. Payment of National Trust mitigation financial contribution.
- viii. Payment of NHS financial contribution.
- ix. Monitoring cost.
- x. Payment of the council's reasonable legal costs.

17.3 Conditions

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

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

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

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

- 3** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
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REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 4** 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 which has been submitted and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 5** No development shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 6** A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 7** No development can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

- 8** The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will 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: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9** 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;

- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the Assessment of Dust from Demolition and Construction – Institute of Air Quality Management or an acceptable equivalent.
- Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974); • Hours of works: works should only be undertaken Monday - Friday 7.30am - 6pm , Saturday 7.30am - 1pm, Sunday and Bank Holidays No work where noise is audible at the site boundary. (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- Routing strategy for construction vehicles
- Protection of any public rights of way within or adjacent to the site
- It is noted that that the construction access will be through a development on roads that may not be adopted at the time construction starts. The plan should state how any damage by construction vehicles on newly built roads will be monitored and remedied.

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

- Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.
- Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.
- All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.
- Construction and Demolition shall also be done in accordance with “London Good Practice Guide: Noise & Vibration Control for Demolition and Construction” by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.
- Where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that: Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused, and disposed (hereafter referred to as ‘stockpiling’) of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018) (or ‘WM3’). Representative samples of soils must be undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.
- Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency.
- Prior to the commencement of work a method statement must be provided to the local authority for approval to prevent the pollution of ground and surface waters. This will also include during works and the location of any hazardous materials including fuel from vehicles and equipment.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of surrounding locality residential/business

premises, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1, GEN2 & GEN4 of the Adopted Local Plan and the NPPF.

- 10** Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works detailing the flow rates and pump station design shall be submitted to and approved in writing by the Local Planning Authority.

The foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme, prior to the first occupation of the development.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11** Prior to the commencement of any works, an air quality assessment and report shall be undertaken and submitted and approved by the Local Planning Authority. The assessment report, which should include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards and the UDC Air Quality Technical Planning Guidance 2018 for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact on

the surrounding locality of the development and the operation of the development on the local environment including during construction.

The assessment report should comply with requirements of the EU Directive 2008/50/EC, the Air Quality Standards Regulations 2010.

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

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

12

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

Prior to the commencement of any phase of the development hereby permitted a Site Waste Management Plan shall be submitted to and approved by the local planning authority. Subsequently the development shall be carried out in accordance with the approved plan.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4.

13

With the exception of dwellings that are to be constructed to wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010, the remaining dwellings permitted by this planning permission shall be carried out so that the requirements of paragraph M4 (2) of Schedule 1 to the Building Regulations 2010 (category 2- accessible and adaptable dwellings) are satisfied.

REASON: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy GEN2 of the Uttlesford Local Plan 2005.

14

Prior to first occupation of the development, the access, as shown in principle on submitted drawing BW193b-PL-03 Rev C shall be provided, including raised table and crossing for pedestrians and cyclists to join off road facility.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

15

- 16** Prior to first occupation of the development, details of a controlled crossing point (such as a zebra crossing) to be provided on the main spine road to the south of the site in the vicinity of the bus stops, shall be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to the first occupation of the development.

REASON: To provide a safe, convenient crossing point for residents of the site to access public transport, community facilities to the south of the site and Great Dunmow town centre to promote active travel in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 17** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 & DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

REASON: To ensure appropriate bicycle parking is provided in accordance with policy DM1 AND DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 20** Prior to first use of the Children's Play Area, details of a secure cycle parking in the form of a minimum of 3 Sheffield type stands shall be submitted to and approved in writing by the local planning authority. Cycle parking shall be implemented in accordance with the approved details and retained as long as the Play Area is in use.

REASON: To ensure appropriate bicycle parking is provided to promote active travel in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

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

- 22** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Rev C (SES, October 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &

species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 23** A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

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

- 24** Prior to the commencement of works, A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include impacts upon adjacent Local Wildlife Sites, Priority habitat and ancient woodland.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

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

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

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

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

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

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &

species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 26** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to 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 conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27** Prior to any installation 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 conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 28** The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety - it is necessary to manage the development in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Stansted Airport through the attractiveness of species of birds that are hazardous to aircraft.

- 29** No dwelling shall be occupied until the details of noise mitigating measures have been submitted to and approved in writing by the Local Planning Authority. The measures of the scheme shall include:

Details sufficient to achieve the internal noise levels recommended in BS 8233:2014 and for individual noise events to not normally exceed 45 dBLAmax, including the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers.

If the internal noise limits can only be achieved with closed windows, then enhanced ventilation should be provided to allow residents to occupy the properties at all times with windows closed, as required to maintain thermal comfort. Noise from the system shall not present an adverse impact on occupants. The alternative means of ventilation shall enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions and as a minimum must comply with Building Regulation approved document F.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.

30 Prior to the occupation of any dwelling further assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority

This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

The area surrounding the detection of the positive asbestos be subject to additional shallow soil sampling during further works, to screen for the presence of asbestos fibres, in support of potentially reducing or removing the residual risks at the site.

Supplementary investigations to carry out additional environmental screening of the topsoil/ made ground in order to increase the sample dataset, provide targeted assessment where asbestos fibres have been identified to delineate risks, in order to robustly characterise the environmental status of the site and advise clarify any remedial requirements.

A programme of ground gas monitoring shall be submitted and approved by the Local planning Authority to robustly assess the ground gas regime at the site and to confirm/ discount any requirements for future protection measures.

If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

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

31 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment ref 2108181 dated June 2022 by Ardent Consulting Engineers. The mitigation measures shall be fully implemented prior to occupation and

subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 32** Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 33** The applicant or any successor in title must maintain yearly logs of maintenance of the surface water and drainage scheme which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 34** Prior to the first occupation of a residential unit, the spine road through the development known as Land West of Woodside Way including the bus stops closest to the site, and the access onto Woodside Way; the signalised crossing of Woodside Way; the footway/cycleways on Woodside Way and the residential road between the spine road and the access point are constructed and available for use.

REASON: To ensure that pedestrians, cyclists and vehicles can access the site and surrounding area from the site, in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

Appendix 1 – Statutory Consultee Responses

Your Ref: UTT/22/1802/FUL
Our Ref: HT/TPD /SD/KW/53916/4B
Date: -03 November 2022



Essex County Council

Paul Crick
Director for Highways and Transportation

CC: Cllr Susan Barker
Essex Highways DM

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No.	UTT/22/1802/FUL
Applicant	Bellway Homes Ltd, Mr Christopher Trembath And Mr Timothy Tr C/o Savills
Site Location	Wood Field (land Adjoining 'Land West Of Woodside Way') Dunmow
Proposal	120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The application extends the approved West of Woodside Way scheme to the south and relies on the infrastructure for that site for access to the site and sustainable transport connections. While there is impact on the network this has been tested as cumulative impact with committed development. The choice of accesses on to the highway network, the community facilities, sustainable transport mitigation measures and capacity enhancements secured through the previous scheme, and yet to be implemented, will help absorb this.

Due the reliance on the access and infrastructure associated with Land West of Woodside Way development the development should not be occupied until the access onto Woodside Way and the crossings and footway cycleways have been provided.

The most appropriate way to mitigate the impact of this development it through provision and improvement of sustainable transport connections and to this end a contribution to bus services, a crossing of the spine road and a contribution public rights of way linking to Helena Romanes School mean that the highway authority does not consider the residual cumulative impact on the highway network to be severe.

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

1. 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. Routing strategy for construction vehicles
 - VI. Protection of any public rights of way within or adjacent to the site
 - VII. It is noted that that the construction access will be through a development on roads that may not be adopted at the time construction starts. The plan should state how any damage by construction vehicles on newly built roads will be monitored and remedied.

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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. **Phasing:** Prior to commencement the spine road through the development known as Land West of Woodside Way including the bus stops closest to the site, and the access onto Woodside Way; the signalised crossing of Woodside Way; the footway/cycleways on Woodside Way and the residential road between the spine road and the access point are constructed and available for use. **Reason:** To ensure that pedestrians, cyclists and vehicles can access the site and surrounding area from the site, in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Access** Prior to occupation of the development, the access, as shown in principle on submitted drawing BW193b-PL-03 Rev C shall be provided, including raised table and crossing for pedestrians and cyclists to join off road facility. **Reason:** To ensure that pedestrians, cyclists and vehicles can access the site, in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
4. **Crossing:** Prior to first occupation of the development a controlled crossing point (such as a zebra crossing) to be provided on the main spine road to the south of the site in the vicinity of the bus stops. **Reason:** To provide a safe, convenient crossing point for residents of the site to access public transport, community facilities to the south of the site and Great Dunmow town centre to promote active travel in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
5. **Bus services** Prior to commencement a financial contribution of £312,000 (£2600 per dwelling) (indexed from the date of this recommendation) shall be paid to fund improvements to enhanced and diverted bus services between the development and

the town centre; local amenities and/or key towns improving the frequency, quality and/or geographical cover of bus routes servicing the site. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

6. **Parking Restrictions** Prior to occupation a payment of a financial contribution of £10,000 (indexed from the date of this recommendation) shall be paid to fund the process of a Traffic Regulation Order and supporting signs and lines to implement the successful order to limit parking on the access road through the committed development to the south. An agreed methodology of survey shall be agreed with the planning authority and then implemented by the developer to determine the need for and/or extent of parking restrictions. **Reason:** In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. **PROW:** Prior to occupation a sum of £12,360 (indexed from the date of this recommendation) to be paid to the highway authority to provide appropriate works to mitigate the impact on the public rights of way adjacent to the site and connecting to Helena Romanes school, such works to include, but not be limited to, surfacing, drainage and signage of the footpaths. **Reason:** to mitigate the increased use of the footpaths 18/15, 18/79 and 18/87 by the residents of the development and improve the accessibility of the site by walking to promote active travel in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
8. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
9. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,596 (index linked), to be paid to Essex County Council. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
10. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development

Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. **Reason:** To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
12. Prior to first use of the Children's Play Area secure cycle parking in the form of a minimum of 3 Sheffield type stands shall be provided. Cycle parking shall be retained as long as the Play Area is in use and subject to the same maintenance programme. **Reason:** To ensure appropriate bicycle parking is provided to promote active travel in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Informatives:

- (i) The northern most arm of the site is unlikely to be adopted.
- (ii) 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.
- (iii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iv) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (v) 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.
- (vi) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing

highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

- (vii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (viii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way no **15 (Great Dunmow)** shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

- (ix) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \(2022\)](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.



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

From: [Lambert, Tessa](#)
To: [Laurence Ackrill](#)
Subject: [External] RE: Wood Field - Land West Of Woodside Way - Dunmow - UTT/22/1802/FUL
Date: 25 August 2022 16:36:21

Dear Laurence,

Your email of 25th August confirms that the applicants have agreed to fund the financial contribution sought by the National Trust for the purposes of off-site mitigation for the increased visitor pressure on Hatfield Forest SSSI/NNR arising from the proposed development. On the basis that this contribution will be secured (prior to first occupation) by planning obligation, I can confirm that Natural England would not raise objection to the above application.

Yours Sincerely

Tessa Lambert

Natural England
Eastbrook
Shaftesbury Road
Cambridge
Cambridgeshire
CB2 8DR

Tessa Lambert
Sustainable Development Lead Advisor
West Anglia Area Team (Essex)
Working pattern: 9:00 – 5:30 Monday, Tuesday, Thursday
☎ Tel: 07385 400068
✉ Email: tessa.lambert@naturalengland.org.uk

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

From: Laurence Ackrill <LAckrill@uttlesford.gov.uk>
Sent: 25 August 2022 11:00
To: Lambert, Tessa <[REDACTED]>
Subject: Wood Field - Land West Of Woodside Way - Dunmow - UTT/22/1802/FUL

You don't often get email from lackrill@uttlesford.gov.uk. [Learn why this is important](#)

Hi Tessa,

I hope you are well.

We have received comments back from the National Trust in relation to the above application (as attached).

I have spoken to the developers and they are happy to fund the contribution of £18,000 for off-site mitigation and this would be secured as part of a Section 106 Agreement. Given this, coupled with the proposed on-site mitigation measures as set out in the attached ecological assessment, is there any further detail / clarification you would like to see as part of this application?

Laurence Ackrill
Principal Planning Officer



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

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

To: Uttlesford District Council

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

Council's Reference: UTT/22/1802/FUL

**Location: Wood Field (land Adjoining 'Land West Of Woodside Way')
Dunmow**

Proposal: 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

Referring to the consultation on a planning application dated 30 June 22 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

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

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

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

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

 Signature:	Date: 11 August 2022
Name: Mark Norman	Position: Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

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

This response represents our formal recommendations with regards to the above planning application and has been prepared by Mark Norman.

We have reviewed the technical information provided in support of this planning application. And we conclude that this development will not have a severe impact upon the nearby A120

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



Uttlesford District Council
Planning Services

Date: 2nd August 2022
Our Ref: SUDS-006089
Your Ref: UTT/22/1802/FUL

Dear Sir/Madam,

Consultation Response –UTT/22/1802/FUL – Wood Field (Land Adjoining ‘Land West of Woodside Way) Dunmow CM6 1WF

Thank you for your email received on 30/06/22 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment ref 2108181 dated June 2022 by Ardent Consulting Engineers and the following mitigation measures detailed within the FRA:

- Run-off rates from the enlarged detention pond serving the combined site shall be limited to those calculated in the FRA.
- Long term storage shall be provided as calculated in the FRA.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event *OR, if impracticable,*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- Evidence of formal approval to the discharge from the site

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

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>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/flood-risk-assessments-climate-change-allowances)

The proposed development will only meet the requirements of the National Planning

Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment

on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

Yours faithfully,

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

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

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help

prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- **Sustainability of the development**

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

Essex County Council
Minerals & Waste Planning
County Hall
Chelmsford
Essex CM1 1QH



Your ref: UTT/22/1802/FUL
Date: 19 July 2022

Dear Sir/Madam,

Nature of Response: To address minerals and waste safeguarding implications arising through Application UTT/22/1802/FUL.

Proposal: 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure.

Location: Wood Field (land Adjoining 'Land West Of Woodside Way') Dunmow.

Thank you for your email received 10th June 2022 consulting the Mineral and Waste Planning Authority (MWPA) on the above proposals.

The 'application site' forms the basis for the minerals and waste safeguarding assessment set out below.

This response deals with mineral policy matters and waste policy matters in turn.

Mineral Matters

Safeguarding Mineral Resources

The entirety of the application site is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can be viewed on the County Council's website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

Policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 210). The NPPF requires policies that encourage the prior extraction of mineral where it is practical and environmentally feasible.

At 5.4ha, the area of land associated with the proposed development that lies within an MSA for sand and gravel exceeds the 5ha threshold upon which local

resource safeguarding provisions are applied for this mineral. These thresholds are defined in Policy S8 of the MLP Policy S8 of the MLP therefore applies, and this states "... Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development or Preferred Mineral site allocation shall be opposed."

Commonly a 100m standoff distance is applied from the façade of any sensitive development to reflect what would be a more practical extraction area, thus reducing the workable area for mineral extraction.

After applying this typical standoff distance, this reduces the amount of land in a MSA to 3ha. This is below the 5ha threshold applied for this mineral and therefore a Minerals Resource Assessment (MRA) would **not** be required as part of a planning application on this site.

Mineral Infrastructure Matters

With regard to Mineral Consultation Areas, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy S8 of the MLP defines Mineral Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.

The application site does **not** pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment (MIIA) would **not** be required as part of a planning application on this site.

Waste Matters

Safeguarding Waste Infrastructure

Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy 2 defines Waste Consultation Areas as extending up to 250m from the boundary of existing or allocated waste infrastructure, unless they are Water Recycling Centres, where the distance increases to 400m.

The WLP can be viewed on the County Council's website via the following link:
<https://www.essex.gov.uk/minerals-waste-planning-policy/waste-local-plan>

The application site does **not** pass through a Waste Consultation Area (WCA) and therefore, a Waste Infrastructure Impact Assessment (WIIA) is **not** required as part of the planning application.

Site Waste Management Plan

Our Ref: 26129703 Your Ref: UTT/22/1802/FUL

Friday, 01 July 2022

Lynn Rusling
Council Offices London Road
Saffron Walden
Essex
CB11 4ER

Dear Lynn Rusling

Thank you for contacting us regarding UK Power Networks equipment at the above site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful.

I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works.

Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

If you have any further queries do not hesitate to contact us.

Plan Provision
0800 056 5866

