



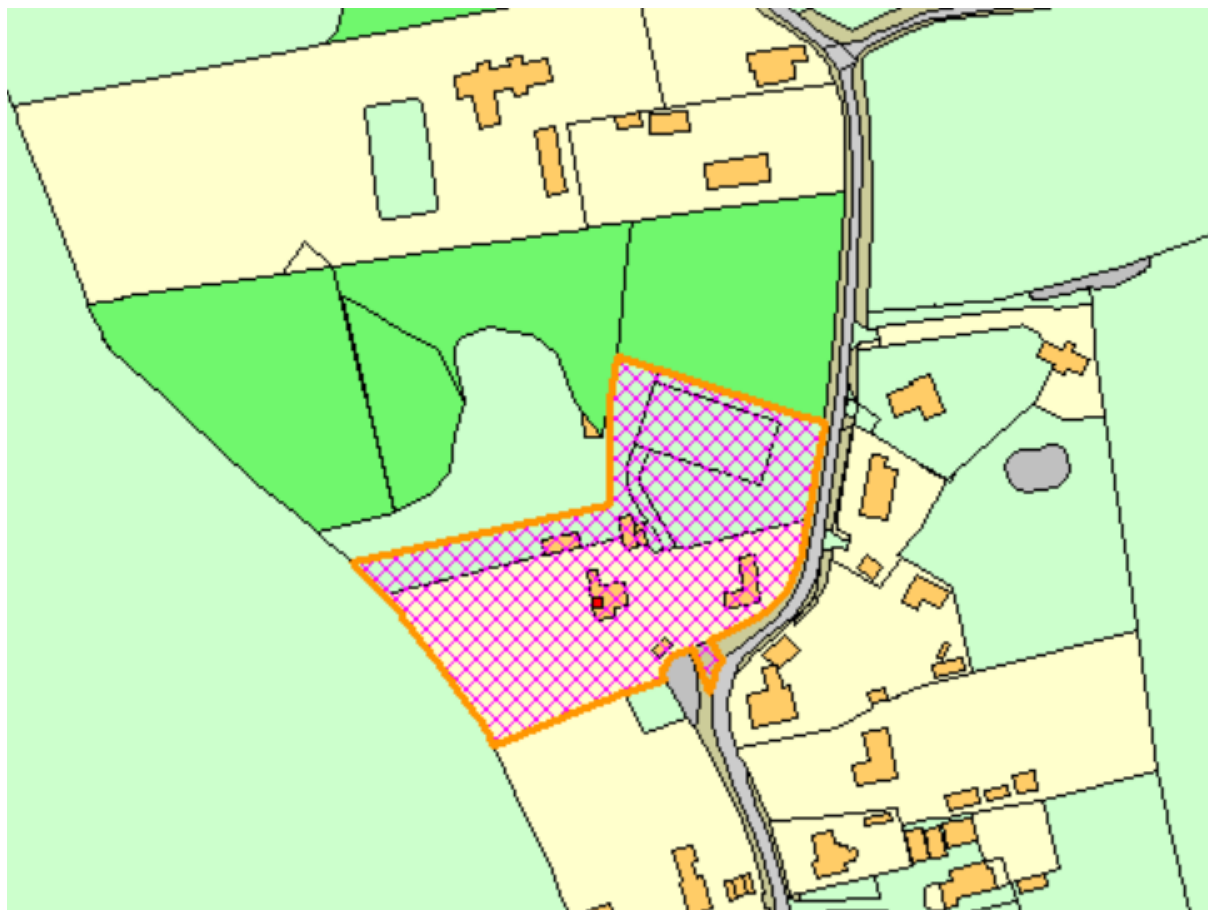
**ITEM NUMBER:** 11

**PLANNING COMMITTEE DATE:** 27 September 2023

**REFERENCE NUMBER:** UTT/23/0306/OP

**LOCATION:** Homefield, Holders Green Road, Lindsell

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: September 2023

**PROPOSAL:** Outline planning application with all matters reserved except access for residential development comprising 5 no. units with associated amenity space and parking

**APPLICANT:** Mr J Hunter

**AGENT:** Mr Kieron Lilley (Smart Planning Ltd)

**EXPIRY DATE:** 4 April 2023

**EOT Expiry Date** 29 September 2023

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Adjacent Public Right of Way.

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application

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## **1. EXECUTIVE SUMMARY**

- 1.1** Outline planning permission is sought by the applicant (Mr J Hunter) for the erection of 5 dwellings alongside associated works with all matters reserved apart from access at the site known as 'Homefield, Holders Green Road, Lindsell'.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Accordingly, the proposals are contrary to Policy S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply and thereby paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.
- 1.3** The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in boosting the Councils housing supply. Furthermore, weight has been given in respect to the biodiversity net gain. Thus, taken together, significant weight to the benefits of the development have been considered.

1.4 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 new built form. This would have limited to modest negative environmental effects.

1.5 Therefore, and taken together, weight to the 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.

## 2. **RECOMMENDATION**

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

A) Conditions

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

3.1 The area of land subject to this outline planning application relates to the land known as 'Homefield, Holders Green Road, Lindsell'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

3.2 The site is located on the western side of Holders Green Road just to the north and outside any defined settlement boundary limits. The topography of the site is generally level and is approximately 0.83 of a hectare in size.

3.3 The site comprises the principal dwelling 'Homefield', which is a 2-storey detached building, a single storey stable range, manege and three smaller outbuildings. Mature vegetation in the form of a variety of native and non-native trees and a hedgerow are located along the boundaries of the site. The dwelling is set amongst a large residential curtilage consisting of general residential paraphernalia.

3.4 The application site is generally set in a semi-rural area with residential dwellings consisting of a mixture of forms, sizes and scale located to the north, south and east. Large arable fields used for agriculture are located to the west. A Public Right of Way extends along the rear western boundary.

## 4. **PROPOSAL**

4.1 This planning application is submitted in outline with matters relating to Scale, Layout, Appearance, and Landscaping reserved. The applicant is

seeking approval in principle for Access and to develop the site for five dwellings be granted consent. This will leave the approval of the Scale, Layout, Appearance, and Landscaping to be decided later when further applications (the reserved matters) will be submitted to the Council if this outline planning application is granted.

- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which provides an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3** The existing dwelling house and associated outbuildings would be demolished to make way for the proposals.
- 4.4** The height of residential development will generally be detached 2 storey dwellings with each consisting of 4 bedrooms. Each dwelling house is to be provided with off street parking in the form of single storey detached garaging and private amenity areas.
- 4.5** The proposals will include a new vehicle access along Holders Green Road which will provide the main ingress point for the development. The existing vehicle access will be blocked up. From the access, it is proposed that a private driveway would meander through the site and provide access to the dwellings.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **6. RELEVANT SITE HISTORY**

### **6.1 Application Site:**

- 6.1.2** UTT/22/2172/OP - Outline planning application with all matters reserved except Access for the demolition of existing buildings and erection of 6 no. dwellings with associated amenity space and parking.

- 6.1.3** The above application was refused 8<sup>th</sup> November 2022 for three reasons of refusal as per below:

1) The site is within the area identified in the Uttlesford District Local Plan as outside the established development limits and therefore the site is considered to be within the countryside. The development would

result in an intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality and have an urbanising effect that would be out of context with the existing pattern of development, harmful to the setting, character and appearance of the countryside. The proposed development would therefore be in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

- 2) Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

- 3) The application lacks the sufficient details to demonstrate that the development would not cause harm to ecology and biodiversity, how any harm may be mitigated, and a biodiversity uplift obtained. In the absence of such details the application is contrary to Paragraphs 174 and 180 of the National Planning Policy Framework (2021) and Uttlesford Local Plan policy GEN7.

**6.1.4** This application has been submitted as a revised application to address the above reasons of refusal. Principally, the main revisions include the reduction of 6 dwellings to 5 dwellings, a revision to the location of the access, and further documentation including a Landscape Visual Impact Assessment, Transport Statement and Ecological Assessment have been provided.

**6.1.5** Surrounding sites:

**6.1.6** UTT/21/1629/FUL - Erection 1 no. detached dwelling, with associated access and amenity (amendment to UTT/20/0349/FUL allowed at appeal) at the site known as Land Adjacent Templars Farmhouse, Holders Green Road, Lindsell. (Approved)

**6.1.7** UTT/21/2984/FUL - Erection of 2 no. two-storey detached dwellings and a pair of two-storey semi-detached dwellings with associated access, garages, parking and amenity at the site known as Land Rear of Templars Farm Holders Green Road, Lindsell. (Approved)

**6.1.8** UTT/22/1946/FUL - Erection of 4 no. two-storey detached dwellings with associated access, garages, cart lodges, parking and amenities. (Approved)

**6.1.9** The above approved applications have resulted in 6 new dwellings being allowed in the vicinity since 2021. As shown in Figure 1 below, these

dwellings are located on the opposite side of Holders Green Road to the east of the application site.



**Figure 1: Location of approved dwellings in the area.**

## **7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.

7.2 No formal pre-application discussion took place with the Local Planning Authority prior to the submission of this application. However, discussions between the Applicant and officers have taken place during the assessment of this scheme which has led to the final design and layout of the proposals.

7.3 No information has been submitted to show that the applicant has undertaken any public consultation exercise prior to the submission of this application.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **ECC Highway Authority – No Objection**

- 8.1.1 The Highway Authority have confirmed in their formal response that from a highway and transportation perspective the impact of the proposal is acceptable subject to imposing conditions to ensure the development complies with required highway standards and to preserve highway safety.

## 9. **PARISH COUNCIL COMMENTS**

- 9.1 Lindsell Parish Council objects to the application for the following reasons:

- 9.2 An application for 2 dwellings on a nearby site was refused due to the introduction of built forms and new access would result in urbanisation of the site and erode the character of the area. It was also deemed not to form a sustainable development, not within the settlement boundary and detrimental to visual amenity of the area.

- 9.3 The Parish Council submits that this application should be refused for the same reasons as to that of the above application.

## 10. **CONSULTEE RESPONSES**

### 10.1 **UDC Environmental Health – No Objection**

- 10.1.1 No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to contamination, air quality, noise, external lighting, and construction.

### 10.2 **Place Services (Ecology) – No Objection**

- 10.2.1 The ecologist confirmed that they have reviewed all supporting documentation as submitted and that they have no objection subject to securing biodiversity mitigation and enhancement measures by way of imposing conditions of permission is approved.

### 10.3 **London Stansted Airport – No Objection**

- 10.3.1 The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

### 10.4 **UDC Housing Officer – No Objection**

- 10.4.1 The housing officer confirmed that as the site is 0.83 hectares it exceeds 0.50 hectares and therefore there is a 40% affordable housing requirement. This equates to two affordable housing units, the tenure mix of which can be agreed at the reserved matters stage should the outline application be approved.

## 11. **REPRESENTATIONS**



11.1 The application was publicised by sending letters to adjoining and adjacent occupiers and displaying a site notice. Letters of representation were received in which the main points are summarised as per below.

## 11.2 Object

- 11.2.1
- **Biodiversity** – This revised plan necessitates the removal of over 15 mature trees and numerous bushes and shrubs, both destroying wildlife habitat and also resulting in increased light pollution.
  - Building properties would disrupt this migration and have an adverse effect on the wildlife.
  - **Transport & Highways** – The passing road that leads to Homefield is quite narrow and has no pavement for pedestrians.
  - The addition of the 6 units would undoubtedly increase the volume of traffic causing all kinds of issues.
  - There is already three new houses built (with 6 more in the process of being built) almost opposite Homefield. This current development already has three access turnings from the houses into Holders Green Road, all adding to the congestion.
  - The creation of the visibility splays does not solve the issue at these two corners and damages the whole hedgerow fronting the site.
  - The road is too narrow to support the extra movement of vehicles from the proposed estate along with the large construction vehicles that will be needed to supply the building of said properties, resulting in further damage to the road and verges.
  - **Precedence** - It is also clear from the submission that this is only a "phase 1" and provision is made in site the layout to seek further permissions in future for the rear part of the plot.
  - Lindsell has been increase by 20% in recent years.
  - **Character** – The existing higher density-built form to the north, south and east of the planning application site creates a pattern of development that makes the site appear as an anomaly in its surrounding context.
  - The destruction of hedgerow would materially harm the street scene.
  - There can be no justification to rip up an area of garden/paddock/menage to provide housing in the middle of the countryside, outside of development limits in an area with no amenities.
  - **Sustainability** – The bus service that runs through the village is limited and there is no adequate provisions for cycling and walking.
  - **Amenity** – Loss of vegetation would result in a loss of privacy by way of overlooking.
  - **Infrastructure** – Water Pressure has dropped significantly over recent years.
  - Lack of utilities in the area.

## 11.3 Comment

**11.3.1** The above concerns have been fully assessed in detail within the main assessment of this report.

## **12. MATERIAL CONSIDERATIONS**

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

**12.2** 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 The Development Plan**

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

**12.3.2** **Uttlesford Local Plan (2005)** – Provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.

## **13 POLICY**

**13.1** Relevant development plan policies and material considerations:

**13.2** S7 – The Countryside  
GEN1 – Access  
GEN2 – Design

GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV3 – Open Spaces and Trees  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H9 – Affordable Housing  
H10 – Housing Mix

### **13.3 Supplementary Planning Document or Guidance**

**13.4** 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)

### **13.5 National Policies**

**13.6** **The National Planning Policy Framework** (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021 and again in September 2023. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Suitability and Location**
  - C) Countryside Impact**
  - D) Character and Design**
  - E) Housing Mix and Tenure**
  - F) Neighbouring Amenity**
  - G) Access and Parking**
  - H) Landscaping**
  - I) Nature Conservation**
  - J) Contamination**
  - K) Flooding & Drainage**
  - L) Other Issues**

**14.3.1** **A) Principle of Development**

- 14.3.2** The application site is located outside the development limits of Lindsell within open countryside and is therefore located within the Countryside where policy S7 applies.
- 14.3.3** This 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. 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. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.
- 14.3.4** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.3.5** 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.
- 14.3.6** 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.
- 14.4.1** **B) Suitability and Location**
- 14.4.2** Upon review of neighbour representations and that of the Parish Council that issues of location and sustainability form the heart of the objections submitted.
- 14.4.3** It must be acknowledged that during the assessment of the previous refused application ref: UTT/22/2172/OP that although concerns were raised regarding access to local services and facilities within the officers delegated report, this on its own did not lead to the imposition of a reason for refusal.
- 14.4.4** The delegated report confirmed that regarding public transport and sustainability and notwithstanding the dwellings approved, the site does not possess accessible transport, with bus services sporadic at best and

not available on a regular basis. There are no local shops, services, or facilities in Lindsell, and all users would be reliant on a private car to access services in larger nearby settlements such as nearby.

- 14.4.5** Although it is acknowledged that the merits of each application should be judged on their own, one should consider recent approved schemes in the locality. On the basis, the justification for the argument in favour of the development is the allowing of multiple planning applications located on the other side of the road as referred in Section 6 above in this report. Amongst these approved schemes are decisions made by the Planning Inspectorate who amongst assessing the planning merits found no objections to the sustainability or location of these developments for residential housing.
- 14.4.6** Although outside the settlement boundaries of the hamlet of Lindsell, the new built form would be constructed adjacent with residential development located to the south and west, and therefore to an extent, the proposals provide a logical relationship with the existing hamlet.
- 14.4.7** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Lindsell.
- 14.4.8** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.9** Therefore, the proposed development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.
- 14.4.10** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

**14.4.11** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is in a relatively sustainable location. Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.

**14.4.12** For all the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

**14.5.1 C) Countryside Impact**

**14.5.2** 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.

**14.5.3** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.

**14.5.4** 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.

**14.5.5** One of the key concerns that lead to the imposition of reason for refusal under the previous application ref: UTT/22/2172/OP was in relation to the intensification of built form on the site and that this would incur result in a detrimental impact to the character, appearance, and openness of this part of the countryside. Figure 2 below provides details of the indicative block plan that was refused as part of application UTT/22/2172/OP.



**Figure 2: Indicative Block Plan refused as part of application UTT/22/2172/OP.**

**14.5.6** The officers delegated report stipulates the principle concern which led to the imposition of the reasons for refusal as referenced below:

**14.5.7** *The character of Lindsell is one of linear development with development forming a ribbon pattern of development along Holders Green Road. This proposal would upset that balance and introduce six new dwellings in an urban form of development that would not fit the character and appearance of the rural area. It would be akin to more of a housing estate style layout rather than a ribbon form of rural development that consists with the rural character of the area.*

**14.5.8** The current planning application seeks to overcome the reason for refusal imposed on the previous refused application. Most notably, the number of residential units has been decreased from six to five homes, the access to the site has been relocated, the orientation of the buildings have been changed to provide a betterment and coherent approach to the street scene, and significant additional landscaping is now proposed. Furthermore, the applicant has provided further justification of the acceptance of the proposals with the submission of a Landscape Visual Impact Assessment.

**14.5.9** The hamlet of Lindsell is generally linear in form particularly to the north and south of the application site whereby the setback of the building frontages is setback relatively consistent from the highway. The area of housing in and around the application site however is looser and more sporadic and this is typically reflective by the recent new developments allowed on the opposite side of Holders Green Road as indicated in Figure 1. Existing and new developments within this central area of the hamlet tend to have inconsistent setbacks from the highway and there

are a number of homes built behind one another creating more of a back land development rather than a more formal linear urban pattern.

- 14.5.10** It is acknowledged that the proposal introducing 5 dwellings alongside associated infrastructure will bring permanent change to the land use, visual aspects, and character of the site change. However, this change will not be one that is significant as the site is already in residential use.
- 14.5.11** The proposals by reducing the number of residential units from six to five and setting these in a sporadic arrangement rather a formal setting, will to some extent mirror and reflect the unconfined and relaxed setting of the development on the opposite of Holders Green Road.
- 14.5.12** The reduction of a residential unit results in the indicative layout being generally a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively low density of the site similar the adjoining new and existing residential development within the locality, and the allowance for visual separation is such that the proposed development would be of a modest addition in respect to its prominence in the local area and the effect on the local landscape.
- 14.5.13** The development envelope of the built form would nestle into a largely contained and framed site next to existing housing and the established existing and new vegetation on the boundaries would help limited/reduce the visual influence beyond the site itself and its immediate setting.
- 14.5.14** The site is well screened from the highway. The existing hedge along the boundary restricts views in from the road users both approaching from the north and south.
- 14.5.15** Over time the strategic green infrastructure forming part of the proposals will mature and help to enhance the existing natural setting. This will further screen and soften views of the development. In the long-term the development is likely to be screened in the majority, with some rooflines visible within the setting, from wider longer distance views and thereby reducing its visual impact.
- 14.5.16** In outlying views from the countryside and from public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Lindsell resulting in only a modest level of visual effect.
- 14.5.17** The design, scale, layout, and landscape of the proposed development considers the character of the natural setting and the surrounding landscape. It is considered that the most significant level of effect is from the new existing access, which is considered to be low to medium.



**14.5.18** The development proposal would have a modest visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be generally screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties. On balance, the site is assessed to be well contained within the wider landscape and visual effects are localised and are considered to be harmonious with the existing edge of Stansted Mountfitchet.

**14.6.1 D) Character and Design**

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

**14.6.3** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes several indicative plans that indicate the key aspects of the design and layout such as the access and position of housing, and landscape features. The density of the site would be approximately 6 dwellings per hectare.

**14.6.4** Whilst the layout of the development is a matter reserved for consideration later, the Council must be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden, and open space areas etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserved matters applications are submitted if outline consent is granted.

**14.6.5** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.

**14.6.6** The concept plan seeks to achieve a small scale arcadian scheme of high-quality design to tie in with its rural setting and there is no reason to suggest that this cannot be appropriately designed to reflect this.

**14.6.7** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi-rural locations.

**14.6.8** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height, and materials and that these will be set out across three different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.

**14.7.1 E) Housing Mix and Tenure**

**14.7.2** The NPPF refers to the objective to create mixed and balanced communities, and within this context, requires the size, type and tenure of housing needed for different groups to be assessed and reflected in local planning policies. Policy H10 of the Local Plan requires that on large sites, a significant proportion of market dwellings should be small properties.

**14.7.3** The surrounding locality comprises a mixed neighbourhood providing a range of building styles and there is no single housing type that dominates the housing mix. As this application is for outline with matters of layout reserved, the final mix of the housing in terms of bedroom numbers has yet to be finalised although the indicative block plan does indicate that each of the dwelling would contain 4-bedrooms.

**14.7.4** It is deemed that overall, the development will provide a genuine mix of dwelling types and sizes, which will create a sustainable, mixed and balance community at the site and contribute to the range of house types and sizes in the local area.

**14.7.5** Policy H10 of the Local Plan stipulates that for developments consisting of a site area greater than 0.5 hectares or whereby developments propose 15 or more units, 40% of the total amount of residential units should be made up of affordable units.

**14.7.6** National Planning Practice Guidance (PPG) states that planning obligations for affordable housing should only be sought for residential developments that are major developments. The PPG explains that major development is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. Paragraph 023 (Ref ID: 23b-023- 20190901) states that in designated rural areas local planning authorities may choose their own lower threshold in plans and seek affordable contributions from developments above that threshold.

**14.7.7** The application site in its entirety covers an area of 0.83 hectares and thereby by definition is defined as a major development. As such, the provision of on-site affordable housing would be triggered as per the above guidance. 40% of the total amount of units would require that to two of the five proposed residential units would need to be affordable units. However, it would not be a viable option for a housing association to take on such a limited amount of on-site affordable units. As such, and as per the above guidance, the Council can seek from the developer a financial contribution to off set the lack of provision of on-site affordable housing to be put towards affordable housing on other schemes.

**14.7.8** As referred throughout this report, this application is a revised application of a previous refused application whereby the applicant has made revisions to address the previous reasons of refusal. The lack of on-site or an off-site financial contribution did not form one of the reasons of refusal. As such, it would be unreasonable to request such a financial contribution as part of this application whereby no objections were previously raised.

**14.8.1 F) Neighbouring Amenity**

**14.8.2** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**14.8.3** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

**14.8.4** However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties of future occupiers.

**14.9.1 G) Access and Parking**

**14.9.2** It must be acknowledged that a reason of refusal was imposed on the previous refused application ref: UTT/22/2172/OP regarding the proposed access arrangements. Specifically, insufficient information was provided within the previous application to demonstrate to the satisfaction that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

- 14.9.3** As part of this revised application, the applicant has provided further documentation and has revised the location of the proposed vehicular access.
- 14.9.4** Access:
- 14.9.5** 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 encourage movement by means other than a vehicle.
- 14.9.6** Access forms part of merits of this application and is not reserved. The proposals will include a new vehicle access along Holders Green Road which will provide the main ingress point for the development. The existing vehicle access will be blocked up. From the access, it is proposed that a private driveway would meander through the site and provide access to the dwellings.
- 14.9.7** The application was consulted to the lead local highway authority who confirmed that they have reviewed all the supporting documentation including the submitted Transport Assessment and undertaken a site inspection.
- 14.9.8** The highway authority confirmed that they have considered all aspects in relation to highways including, access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The highway authority concluded that they were satisfied that with the proposed mitigation and the residual impact on the highway network will not be severe
- 14.9.9** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.
- 14.9.10** Parking:
- 14.9.11** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.9.12** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

**14.9.13** Although the final mix of housing has not been refined to date, the indicative block plan indicates that each of the dwellings will consist of 4 bedrooms. This would require 3 off street parking spaces for each dwelling. The indicative block plan shows that each of the dwellings would have a double space detached garage with further room for off street parking towards the front of each garage. It is regarded that the proposals and the site itself would be able to provide sufficient off-street parking including visitor parking in accordance with the standards to meet the needs of future residents.

**14.9.14** Refuse:

**14.9.15** A Refuse Tracking Plan ref: DR4 has been submitted in support of the application. All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe, and convenient collection of refuse and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

**14.9.16** The proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

**14.10.1** **H) Landscaping**

Landscaping:

**14.10.2** All larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

**14.10.3** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives.

**14.10.4** Although detailed landscaping matters do not form part of this outline planning application, an indicative Landscape Strategy ref: SP HMF 01 has been provided which demonstrates the proposed soft landscaping scheme on the Application Site.

- 14.10.5** The applicant stipulates that the landscape strategy and the strategic vision for the site would involve a spatial arrangement envisaged for to provide a high-quality design. Existing site boundary trees and shrubs will be retained where possible and complemented by the planting of additional native specimens. Breaks in the existing vegetation to the site boundaries will be attended to by new infill planting. This will include tree and hedge planting combined with appropriate means of enclosure.
- 14.10.6** Arboriculture:
- 14.10.7** Policy ENV3 of the Adopted Local Plan stipulates that amongst other aspects that the loss of groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.
- 14.10.8** No vegetation in or around the site are covered by tree preservation orders. A small proportion of the existing hedge including some shrubs and small trees will be required to be removed to make way for the new vehicle access. As confirmed by the submitted indicative Landscape Strategy ref: SP HMF 01, this vegetation will be heavily compensated with a significant amount of new planting throughout the site which will help improve the visual qualities of the site whilst enhancing net biodiversity net gain.
- 14.10.9** The proposed development conforms with the requirements set out in Policy ENV3 of the Uttlesford Local Plan (2005) and paragraph 103 of the NPPF.
- 14.11.1** **I) Nature Conservation**
- 14.11.2** 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.
- 14.11.3** The application site itself is not subject of any statutory nature conservation designation being largely used as a woodland.
- 14.11.4** The proposed development intends to enhance and diversify the ecology and biodiversity on site with widespread planting and landscaping. This will create new habitats for local wildlife. Extensive species rich planting to the site will ensure the scheme is landscape-led and will help to create a net biodiversity gain from the development.
- 14.11.5** Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

- 14.11.6** Place Services ecologist also confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.
- 14.11.7** It is also recognised that there is the possibility that bats use the site as commuting and foraging habitat. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts to foraging and commuting bat habitat.
- 14.11.8** The site is located immediately next to Bran End Special Roadside Verge (SRV), UFD – 267, which is also a Local Wildlife Site (LoWS) around 90m from the site, UFD – 296. These areas are not designated with the Local Plan but are defined by the Essex Wildlife Trust. It is recommended that a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) is created and includes measures to protect this SRV and LoWS from impacts such as being parked on by construction traffic
- 14.12.1** **J) Contamination**
- 14.12.2** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested whilst we have no evidence that the proposed site land is contaminated, as a minimum a precautionary land contamination condition is recommended requesting that an investigation and risk assessment shall then be undertaken prior to works commencing on site.
- 14.13.1** **K) Flooding & Drainage**
- 14.13.2** 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.
- 14.13.3** Planning Policy Guidance states that a flood risk assessment for a development that's less than 1 ha in flood zone 1 unless it could be affected by sources of flooding other than rivers and the sea, for example surface water drains.

- 14.13.4** Based on the Environment Agency's Flood map for planning, the site is in Flood Zone 1 and the site is less than 1 hectare in size. As such there is no requirement for a Flood Risk Assessment to be provided and that standard guidance provided by the Environmental Agency should be followed for more vulnerable development such as residential housing.
- 14.13.5** 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.
- 14.13.6** The applicant has indicated on the application form and within their planning statement that the means of how surface water will be disposed of will be via a sustainable drainage system although no other information of how this will be achieved has been provided.
- 14.13.7** To ensure that appropriate drainage is provided to avoid the risk of flooding on the site or outside of the site, it is suggested that a condition be imposed if planning permission is granted for details of sustainable drainage system to be provided and approved by the Council prior to works commencing on the site.
- 14.13.8** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.
- 14.14.1** **L) Other Issues**
- 14.14.2** Energy and Sustainability
- 14.14.3** Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.
- 14.14.4** The applicant has not provided any information as to the potential methods and techniques that may be incorporated into the final design and layout of the proposals and how these will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting, and orientation of the buildings.
- 14.14.5** Nevertheless, it is suggested that a condition be imposed if outline permission is approved that measure of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved to ensure that the development



meets the set targets contained in the Uttlesford Interim Climate Change Policy (2021).

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

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

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

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

### **15.2 Human Rights**

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

## **16. PLANNING BALANCE AND CONCLUSION**

**16.1** As a consequence of the housing supply and delivery positions, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

**16.2** Benefits of the development:

- 16.3** The development would result in the delivery of 5 dwellings. The shortfall in housing land supply although is no significant being 4.89 is likely to continue for some time with no imminent remedy through the plan-making process. The number of dwellings proposed would make a slight contribution to boosting the supply of housing locally.
- 16.4** The development would secure investment and employment at the construction phase, to benefit local people and businesses. An increase in demand for council services from occupants of the development might offset any benefits from increased council tax receipts, but there would also be more expenditure in local services and facilities from new residents. Therefore, the economic benefits of the development carry moderate weight.
- 16.5** The forecast level of biodiversity net gain would be greater than any current development plan or legal target and would result in ecological enhancements. These benefits can be afforded moderate weight. Improvements to on-site drainage represent a benefit although are largely designed in response to the proposed development rather than explicitly addressing an existing issue.
- 16.6** Adverse impacts of the development:
- 16.7** 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 limited to modest negative environmental effects.
- 16.8** Neutral Factors:
- 16.9** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include highways, noise, air quality, ground conditions and arboriculture.
- 16.10** Summary:
- 16.11** Therefore, and taken together, weight to the 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.
- 16.12** 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. The revisions and further documentation provided also address the previous concerns raised under planning application UTT/22/2172/OP.

**16.13** It is therefore recommended that the application be approved subject to the suggested conditions.

**17. CONDITIONS**

**1** Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

**4** The development shall be carried out in accordance with the following approved plans: Existing Site Plan Drw Ref: 22.7686/E101 and the Site Location Plan Dwg Ref: 22.7686/M002.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, GEN1, GEN2 of the Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

**5** The location of the built development shall be carried out in general accordance with the Proposed Site Plan Dwg Ref: 22.7686 P201 E, and Revised Landscape Plan Dwg Ref: SP HMF 01, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, GEN1, GEN2 of the Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

**6** Prior to the commencement of the development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- a) Verification of the suitability of infiltration of surface water for the development.
- b) This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- c) Limiting discharge rates to 2.5l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated if site is not viable for infiltration.
- d) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- e) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- f) Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- i) An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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 Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

**7** Prior to the commencement of the development, 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 in accordance with Policy GEN3 of the Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

- 8** Prior to the commencement of the development, an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard or Model Procedure if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) A survey of the extent, scale and nature of contamination;
- b) The potential risk to: Human health, Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems; and archaeological sites and ancient monuments.

No development shall take place in locations where (following the risk assessment) land affected by contamination is found, which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s); the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that on completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority) before the development (or relevant phase of development) is occupied.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

- 9.** Prior to the commencement of the development, a detailed scheme, informed by an assessment of the current noise environment, for

protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and the and that the individual noise events do not exceed 45 dB LA, max,F more than 10 times a night. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded.

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

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

- 10.** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing.
  - b) Hours of operation, delivery and storage of plant and materials used in constructing the development.
  - c) Details of any highway works necessary to enable construction to take place.
  - d) The parking of vehicles of site operatives and visitors
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion.
  - g) Control of dust and dirt on the public highway.
  - h) Details of consultation and complaint management with local businesses and neighbours.
  - i) Waste management proposals.
  - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
  - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
  - l) wheel and underbody washing facilities.

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

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

- 11.** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan 2005 (as adopted) and the National Planning Policy Framework.

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

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

- 13** Prior to any works above slab level, 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) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

- 14** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, September 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To conserve 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 Uttlesford Local Plan 2005 (as adopted) and the National Planning Policy Framework.

- 15** The development 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.

- 16** Prior to the occupation of the development, the access at its centre line shall be provided with a clear to ground visibility of 2.4 metres by 43 metres in each direction and thereafter retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicle using the access and those in the existing public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan 2005 (as adopted) and the National Planning Policy Framework.

- 17** Prior to the occupation of the development, the proposed shared private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate vehicle crossing of the verge.



REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan 2005 (as adopted) and the National Planning Policy Framework.

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

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan 2005 (as adopted) and the National Planning Policy Framework.

- 19** 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.

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, Policy GEN1 of the Uttlesford Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

## **Appendix 1 – Statutory Consultee Responses**

### **ECC Highways**

Your Ref: UTT/23/0306/OP  
Our Ref: 53448  
Date: 17 May 2023



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

Paul Crick  
Director for Highways  
and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/23/0306/OP  
Site Location Homefield Holders Green Road Lindsell Essex CM6 3QJ  
Proposal Outline planning application with all matters reserved except access for residential development comprising 6 no. units with associated amenity space and parking

**The documents accompanying the planning application have been duly considered. Given the scale of the proposed development and the area to be available for parking within the site, which complies with Uttlesford District Councils adopted parking standards, the proposal, as shown on Drawing no. DR3, is acceptable to the Highway Authority, subject to the following requirements;**

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.

**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. 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.

**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

*Informative:*

- i. *The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 22 (Lindsell) 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 temporarily closing 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.*

- ii. *All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.*

*The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)*

- iii. *On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.*

- iv. *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.*



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pp. Director for Highways and Transportation  
Enquiries to Debbie Wing