



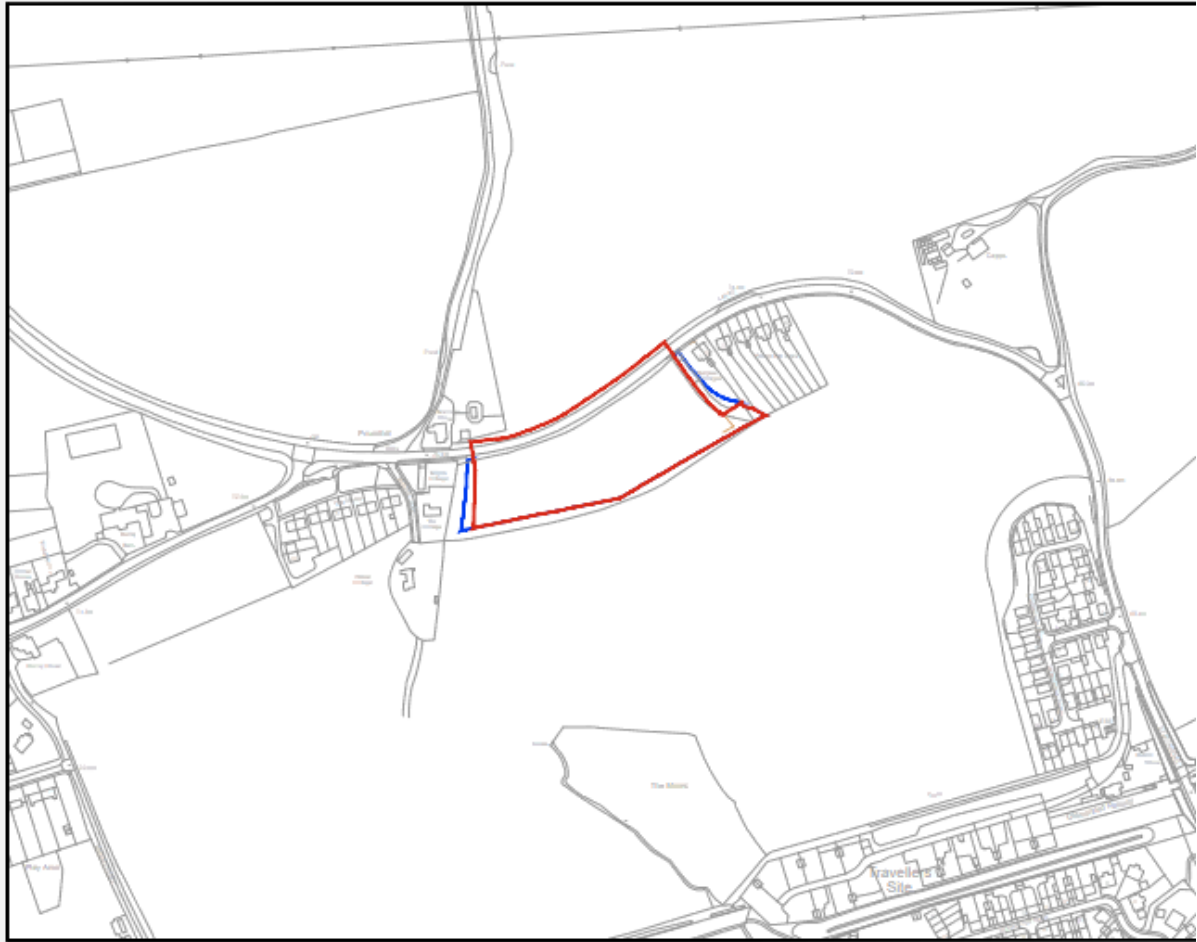
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 25 October 2023

REFERENCE NUMBER: UTT/23/1734/FUL

LOCATION: Land At Pound Hill, Little Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: June 2023

PROPOSAL: S73 application to vary condition 23 (approved plans) attached to UTT/19/1789/FUL added under UTT/22/3301/NMA (Residential development comprising 14 dwellings - use class C3, vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure) - alterations to approved scheme.
Condition Number(s): No. 23
Conditions(s) Removal:
The applicant is the developer of the site and seeks improvements to the approved scheme.

Condition 23: The development hereby permitted shall be carried out in accordance with the approved plans and documents as set out in the Schedule added under application UTT/22/3301/NMA

APPLICANT: Troy Homes

AGENT: Phase 2 Planning and Development Ltd

EXPIRY DATE: 12 October 2023

EOT Expiry Date: 31 October 2023

CASE OFFICER: Tom Gabriel

NOTATION: Outside Development Limits, proximity to listed building.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 This application relates to the variation of condition 23 (approved plans) of planning permission UTT/19/1789/FUL, added under UTT/22/3301/NMA. The previous proposal approved was for erection of 14 no. dwellings at Land At Pound Hill in Little Dunmow. The same number of dwellings are proposed in this current application, and the same numbers of affordable dwellings are proposed (one dwelling and to flats, at 21.5%).

- 1.2 However, given this application is for a variation of condition for the approved plans, there are minor alterations proposed which include changing Plots 3-8 and 10-11 to detached units rather than semi-detached, the realignment of road, changes to SW drainage and attenuation pond and the garages changed from double to single. All the properties proposed are now detached whereas this was not the case in the previous application approved. Nonetheless, it is considered that the alterations proposed in this current application are limited when compared to the previously approved scheme on the application site. Materials do not form part of this application but will be the subject of an appropriately worded condition.
- 1.3 The principle of this proposal (14 dwellings) has been deemed acceptable in the previous application which is material consideration of significant weight. The previous planning permission also remains extant. Additionally, there are no new material considerations arising in this current application that would alter the Local Planning Authority's view on the principle of this development proposal. As such, the proposal is therefore in accordance with the policies within the development plan and the National Planning Policy Framework.

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) 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.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site comprises an overgrown strip of undeveloped scrubland consisting of 1.25 hectares which fronts onto Pound Hill (Station Road) between Little Dunmow village and Flitch Green. The site has a gentle fall from front to rear. A row of five pairs of semi-detached post-war local authority constructed dwellings with long back gardens (Pound Hill Villas) stand within an exposed frontage position along the hill to the immediate east of the site as it descends down sharply on a gradual bend towards Flitch Green, whilst three listed thatched cottages stand on level ground to the immediate west of the site beyond a farm track leading to gently

rolling farmland behind the site. A further dwelling stands on the north side of Pound Hill opposite the track entrance, whilst a replacement UDC social housing scheme (The Moors) has now been constructed on the corner of Pound Hill and The Street.

4. PROPOSAL

4.1 This application relates to the variation of condition 23 for the previously approved plans under app UTT/19/1789/FUL. The previous approved scheme on the application site was for erection of 14 no. dwellings and garages, three of which would be affordable, new vehicular access and rear service road, public open space, associated hard/soft landscaping measures and sustainable drainage system.

4.2 The number of dwellings proposed (14) in this current scheme remains the same as the previous application. However, internal alterations are proposed, 8no of semi-detached dwellings approved in the previous application are now revised in this current application to detached properties and as such, all properties proposed are detached. There is also a realignment of the road, the garages are altered from double to single space garages and there are changes to the surface water drainage and attenuation pond.

4.3 Plot 1 (House Type A)

There are limited internal alterations proposed from the previous application. The chimney stack to the side of the dwelling is proposed to be removed from the side elevation. The kitchen window to the east elevation is to be removed in this current application and the kitchen door is to be re-sited slightly towards the front elevation of the dwelling.

Property type – Detached, 4 bed & 3 parking spaces.

Tech area – 161.52sqm

Planning Area – 156.5sqm

Amenity space – 272sqm

4.4 Plot 2 (House Type A variant)

There are limited internal alterations proposed from the previous application. The chimney stack to the side of the dwelling is to be removed. The kitchen window to the rear elevation is to be removed in this current application and the kitchen window to the side elevation is to be moved further to the east and it is also to be widened. The utility door proposed in the previous application is now altered to a window in this current application. The bi-folding doors for the living room in the previous application were located east of the building and are now proposed to be located south of the dwelling in this application. The latter is reflective of the bedroom windows.

Property type – Detached, 4 bed & 4 parking spaces.

Tech area – 161.52sqm
Planning Area – 156.5sqm
Amenity space – 243sqm

4.5 Plot 3 & 4 (House Type B)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached, there are no side windows on the ground floor and there is only one window on the first floor, and this is dedicated for a bathroom. Two windows are now proposed to the front elevation in this current application in comparison to the one window in the previous application.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 111.18sqm
Planning Area – 100.4sqm
Amenity space – 197sqm (plot 3) & 222sqm (plot 4)

4.6 Plot 5, 6, 7 & 8 (House Type C)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached, there is only one side window on the ground floor (dedicated for dining room) and there is only one window on the first floor, and this is dedicated for a bathroom.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 117.48sqm
Planning Area – 108sqm
Amenity space – 235sqm (plot 5), 203sqm (plot 6), 223sqm (plot 7) & 227sqm (plot 8)

4.7 Plot 9 (House Type D)

There includes internal alterations. The footprint of the dwelling has been amended slightly and amendments to the windows in the side and rear elevations.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 119.04sqm
Planning Area – 110.4sqm
Amenity space – 219sqm

4.8 Plot 10 (House Type E)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached. There is only now one window on the first floor (east elevation) in this current application when compared to the

three windows in the previous application. There is no window proposed on the east elevation. The ground floor door to the east elevation in the previous application is removed in this current application.

A bay window is now proposed in this current application – this was not included in the previous application.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 102.12sqm
Planning Area – 98sqm
Amenity space – 208sqm

4.9 Plot 11 (House Type F)

There includes internal alterations, in the context of external alterations, the previous proposal was semi-detached and in this current application, the property is now detached. There is no window proposed on the west elevation. The ground floor door on the west elevation in the previous application is removed in this current application. The chimney to the flank elevation has been removed in this application.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 116.54sqm
Planning Area – 100.8sqm
Amenity space – 174sqm

4.10 Plot 12 (House Type G – Affordable)

There includes internal alterations, the ground floor door on the east elevation in the previous application is removed in this current application. There is now an additional window proposed to the front elevation in this current application, the front door repositioned and a large canopy over the front door is proposed in this application. The chimney to the flank elevation has been removed in this application.

Property type – Detached, 3 bed & 2 parking spaces.
Tech area – 101.8sqm
Planning Area – 100.98sqm
Amenity space – 194sqm

4.11 Plot 13 & 14 (House Type H & J – Affordable)

No alterations are proposed.

Property type – Flats, 2 bed & 2 parking spaces.
Tech area – 96.44sqm (plot 13) & 94.87sqm (plot 14)
Planning Area – 90sqm (plot 13) & 88sqm (plot 14)
Amenity space – 34sqm (plot 13) & 34sqm (plot 14)

- 4.12** A previous Section 73 application UTT/23/0164/FUL was reported to Planning Committee on 5.7.23 which refused on the sole basis of the change of materials. This application is identical aside the omission of the request for the change of materials this would be covered by an additional suitably worded condition.
- 4.13** The application is accompanied by the following reports to inform the application proposal which have been revised following the submission of revised drawings:
- Residential plot information
 - Landscape specification

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/18/0440/OP – Outline application, with all matters reserved except for accesses and structural landscaping, for a residential development comprising up to 18 dwellings (use class C3), vehicular accesses, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure (refused under delegated powers but allowed at appeal under ref: 19/00115/REF – 6 December 2019)
- 6.2** UTT/19/1789/FUL – Residential development comprising 14 dwellings (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure (approved with conditions – 21 May 2021)
- 6.3** UTT22/3301/NMA – Non material amendment to UTT/19/1789/FUL – additional planning condition of 'The development hereby permitted shall be carried out and completed in accordance with the proposal contained in the application and drawing numbers detailed submitted therewith, unless the Local Planning Authority otherwise agrees in writing' (approved with the additional condition – 29 December 2022)
- 6.4** UTT/23/0164/FUL – S73 Variation of Condition 23 (approved plans) of UTT/19/1789/FUL (Residential development comprising 14 dwellings - use class C3, vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure) as added by UTT/22/3301/NMA Condition Number(s): No. 23 Conditions(s) Removal: The applicant is the developer of the site and seeks improvements to the approved scheme. Condition 23 The development hereby permitted shall be carried out in accordance with the approved plans and documents as set out in the Schedule added under application UTT/22/3301/NMA (refused – 31 July 2023)

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 There was no preapplication advice sought for this current application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective, the Highway Authority has no adverse comments to make to vary condition 23 (approved plans) attached to UTT/19/1789/FUL, however requests that all highway related conditions from UTT/19/1789/FUL are applied to the UTT/23/1734/FUL consent (should permission be granted) and an informative regarding works within or affecting the highway be imposed upon the permission.

9. PARISH COUNCIL COMMENTS

9.1 No comment received

10. CONSULTEE RESPONSES

UDC Landscape Officer/Arborist

No comment received

Place Services (Conservation and Heritage)

This application follows a similar application UTT/23/0164/FUL which was refused. I was unable to support the previous application on the basis of the External Materials Schedule submitted which included white uPVC double glazed windows and doors and fibre cement cladding which, in my opinion, represented a material diminishment to the quality of the approved development contrary to Paragraph 135 of the National Planning Policy Framework. I note that the current application omits details of any proposed materials and that these will be agreed under Condition 3 of approval of the original scheme UTT/19/1789/FUL.

On this basis, I have no concerns about the current application and am able to support approval.

11. REPRESENTATIONS

11.1 Neighbours were notified of the application by letter and the application was advertised by means of a site notice and a press notice.

11.2 No representation is received.

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,:
 - (a) 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.

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made 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 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.1.2 Since the grant of the previous permission, UTT/19/1789/FUL the NPPF has been revised but para 11 of the NPPF remains the same. Other relevant paragraphs of the NPPF that were altered are para 189 is now para 194, para 192 is now para 197, para 193 is now para 199, para 194 is now para 200, para 196 is now para 202 and para 200 is now para 206. These paras relates to development affecting heritage assets.

13.2 Uttlesford District Plan 2005

S7 – The Countryside
ENV2 – Development affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Importance
H1 – Housing Development
H9 – Affordable Housing
H10 – Housing Mix
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards

13.4 Supplementary Planning Document or Guidance

SPD “Affordable Homes and Playspace”.
Essex Design Guide
Essex County Council Parking Standards – “Design and Good Practice”
(September 2009)
Uttlesford District Council Parking Standards (February 2013)
Uttlesford District Council Interim Climate Change Planning Policy
(February 2021).

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development having regard to sustainable development principles – flood risk, accessibility to local services, countryside protection, heritage protection and current LPA housing land supply status**
 - B) Design and Listed property**
 - C) Impact on neighbouring residential amenity**
 - D) Highway safety and Parking standards**
 - E) Other matters**

14.3 **A) Principle of development having regard to sustainable development principles – flood risk, accessibility to local services, countryside protection, heritage protection and current LPA housing land supply status**

14.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan, unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the

Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are considered to be out of date whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 18 years old and pre-dates both the original NPPF (2019) and the latest version (2021). A neighbourhood plan does not currently exist for Little Dunmow.

- 14.3.2** The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework also sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes in the right place at the right time to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.
- 14.3.3** Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the LPA cannot demonstrate a five year housing land supply), the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development (see Footnote 6); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 14.3.4** The proposal is a variation of condition to the previously approved proposal on the application site. The previous proposal approved was for 14 No dwellings and the same amount of dwellings are proposed in this current application. Whilst there are alterations proposed to the previously approved scheme, these alterations are considered to be limited. Additionally, there is no new material consideration arising in this current application that would alter the permission given to the previous application.
- 14.3.5** The principle of this proposal has been deemed acceptable in the previous application which is material consideration of significant weight and as such there is no divergence from the previous decision. The proposal is therefore acceptable in principle subject to assessment and consideration of site-specific impacts and compliance with the relevant policies of the plan and provisions of the framework in that regard. These matters are addressed under issues specific headings below. The overall planning balance assessment is set out in the conclusion below.

14.4 B) Design and Listed property

- 14.4.1** Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that LPAs should seek to protect the integrity and setting of listed buildings.
- 14.4.2** Paragraph 195 of the NPPF requires Local Planning Authority's to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.
- 14.4.3** ULP Policy ENV2 of the Uttlesford Local Plan relating to heritage protection states that "Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building, will not be permitted.
- 14.4.4** The site is located adjacent to three grade II listed cottages, namely Brights Cottage, the Cottage and Willow Cottage and as such, it is reasonable to consult the Place service Heritage asset officer to seek their expert advice on the proposal. *The Heritage asset officer commented in their response to this application 'This application follows a similar application UTT/23/0164/FUL which was refused. I was unable to support the previous application on the basis of the External Materials Schedule submitted which included white uPVC double glazed windows and doors and fibre cement cladding which, in my opinion, represented a material diminishment to the quality of the approved development contrary to Paragraph 135 of the National Planning Policy Framework. I note that the current application omits details of any proposed materials and that these will be agreed under Condition 3 of approval of the original scheme UTT/19/1789/FUL.*
- 14.4.5** The proposed changes outlined in this current application are limited in nature and as such, it would not result in significant harm to the surrounding heritage assets and their settings beyond and above what was previously consented on the application site. Additionally, given the varied character and appearance of surrounding dwellings within the locality, notwithstanding the new modern dwellings completed adjacent the application site, it is noted that the proposal would not appear out of character such that it should be refused in this instance. It is also considered that the proposed landscaping around the site would help soften views in and out the site. The proposed materials may be controlled by condition and uPVC windows are not to be used in the development.
- 14.4.6** The proposal is therefore considered to accord with policies GEN2 and ENV2 of the Local Plan and paragraphs 196, 201 and 202 of the National Planning Policy Framework.

14.5 C) Impact on neighbouring residential amenity

- 14.5.1** No amenity harm was identified in the previous application and no negative comments have been received from the occupiers of neighbouring properties or interested third parties in this current application in the context residential amenity. The reason being is that given the orientation, position, mass, form, site boundary treatment and reasonable distance from neighbouring properties, the proposal would not result in any significant overbearing impact, overshadowing, loss of natural light, loss of privacy or noise impact to surrounding properties beyond and above the existing situation. Similarly, although the semi-detached properties (approved in the previous application) are now detached in this current application, it is noted these proposed dwellings have no facing windows to habitable rooms nor are they within proximity to one another that it would result in an overbearing impact.
- 14.5.2** As such, it is not considered the proposed dwellings would be subject of being overlooked or overshadowed such that consent ought to be refused on this basis.

14.6 D) Highway safety and Parking standards

- 14.6.1** In the context of highways and parking, no objection was raised by the highways officer in the previous application and similarly the changes proposed are limited in this current application when compared to the previous approved proposal and as such, there is no need to diverge from the previous permission. Nonetheless, given the semi-detached properties approved in the previous application are now proposed to be detached in this current application, as a result, there is proposed realignment of the roads. These alterations have been discussed with the Highway Authority who raise no objection to the scheme proposed, subject to reattachment of the conditions from the previous decision.

14.7 E) Other matters

- 14.7.1** In the context of the proposed housing mix, it is noted that there are no changes to the mix of housing. Of the proposed 14 no. of dwellings, the development would comprise of 2 no. x 4 bed dwellings, 10 x 3 bed dwellings, of which one dwelling would be an affordable unit, and 2 no. x 2 bed flats, both of which would be affordable. As such, given the proposed housing mix is not proposed to be altered from the previous application, there is no need to diverge from the previous conclusion. This is in accordance with the National Planning Policy Framework and Policy H10 of the Local Plan.
- 14.7.2** The numbers of affordable housing are not altered from the previous application and the total provision of affordable units is 1 dwelling and 2 flats at 21.5%. This was deemed acceptable in the previous application and there is no need to deviate from that conclusion.

This is in accordance with the National Planning Policy Framework and Policy H9 of the Local Plan.

- 14.7.3** In the context of impact on trees and protected and priority species on the application site, comments from received from the landscape officer and ecology officer raised no objection to the previous scheme proposal subject to conditions respectively.
- 14.7.4** On this basis, there are no new submission as part of this current proposal that would render comments received by relevant consultees from the previous application obsolete. The proposal will still preserve existing on-site habitats, maintain wildlife connections to off-site habitats and habitats will be enhanced through native planting design, with additional provision from the proposed attenuation pond and associated species-rich wildflower and marginal aquatic planting, with wildlife friendly fencing also included throughout the development.
- 14.7.5** As such, it is noted that the conditions attached to the previous application would be reattached in this instance The proposal is therefore in accordance with the policies within the National Planning Policy Framework and Local Plan Policies ENV3 and GEN7.

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. CONCLUSION

16.1 The proposal at Land at Pound Hill is considered to be acceptable in principle. The proposal is a resubmission of the previously approved proposal on the application site and the alterations proposed in this current application are limited. There are also no new material considerations which indicate that planning permission should be refused. The Council is unable to demonstrate a 5YHLS and this proposal would contribute to the supply, albeit in a limited manner.

16.2 In the context of the surrounding Heritage asset, no harm is identified by the heritage officer and there are public benefits arising from the development in the context of affordable housing and economic benefits arising from the construction of the dwellings. The proposed design, material and characteristics of the dwellings would not impact the immediate and wider setting of locality that it should be refused on this basis. Furthermore, proposed dwellings would not be subjected to loss of amenity and harm is not identified to the residential amenity of the neighbouring properties, highways/parking and ecology.

16.3 As such, the proposal is considered to be acceptable, therefore, the proposal accords with the development plan and the NPPF.

17. S106 / CONDITIONS

17.1 Heads of Terms

- i. Provision of 21.5% affordable housing equivalent to 3 no. on-site affordable housing units**
- ii. Provision and management of public open space**
- iii. Maintenance of SuDS**
- iv. Provision of bus stop improvement works**
- v. Payment of commuted sum to the local Highways Authority to fund the implementation of a Traffic Regulation Order (TRO)**
- vi. Provision of Travel Information Pack**
- vii. Pay the Council's reasonable legal costs**
- viii. Pay the monitoring fee**

17.2 Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

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

dwg no.1928_PHLD_SCN_PL01_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type A, plot 1)
dwg no. 1928_PHLD_SCN_PL02_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type A variant, plot 2)
dwg no.1928_PHLD_SCN_PL03_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type B, plot 3),
dwg no.1928_PHLD_SCN_PL04_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type B, plot 4),
dwg no.1928_PHLD_SCN_PL05_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 5),
dwg no.1928_PHLD_SCN_PL06_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 6),
dwg no.1928_PHLD_SCN_PL07_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 7)
dwg no.1928_PHLD_SCN_PL08_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type C, plot 8),
dwg no.1928_PHLD_SCN_PL09_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type D, plot 9),
dwg no.1928_PHLD_SCN_PL10_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type F, plot 10),
dwg no.1928_PHLD_SCN_PL11_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type F, plot 11),
dwg no.1928_PHLD_SCN_PL12_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type G, plot 12),
dwg no.1928_PHLD_SCN_PL13_XX_DR_A_ZZ.001_A3, REV P01
(plans and elevations for house type H and J, plots 13 and 14),
dwg no.1928_PHLD_SCN_XX_XX_DR_A_01.001_A3, REV P2
(site plan)
dwg no.1928_PHLD_SCN_XX_XX_DR_A_01.001_A3, REV P01 (street
scenes) [received by the LPA on the 6th July 2023]

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** Prior to commencement of development, full details of both hard and soft landscape works, including details of planting for the landscaping buffer proposed for the western boundary of the site, the proposed copse at the northern end of the site, internal swale areas, public open space areas and the proposed car park, shall be submitted to and approved in writing by the local planning authority. Subsequently, these

works shall be carried out as approved. The landscaping details to be submitted shall include:- a) proposed finished levels b) means of enclosure c) hard surfacing, other hard landscape features and materials d) existing trees, hedges or other soft features to be retained e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife g) details of siting and timing of all construction activities to avoid harm to all nature conservation features h) location of service runs i) management and maintenance details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To ensure that the development can be properly assimilated in time into the local landscape at this location to reduce its visual impacts.

- 4** All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 5** Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To ensure that the

resulting development does not prejudice the visual qualities of the area or the setting of nearby designated heritage assets.

- 6** Prior to occupation of any dwelling, the provision of a vehicular access formed at right angles to Station Road, as shown in principle on drwg PHLD_SCN_XX_XX_DR_A_01.001_A3 Rev P2 (dated 23.11.22) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres and two 2 metre wide footways shall be provided.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7** Prior to occupation of any dwelling, the existing footway on Station Road along the site frontage shall be reinstated to its former width (or minimum 1.8 metres, whichever is greater) by removal of encroaching mud and vegetation and make remedial repairs where deemed necessary by the Highway Authority.

REASON: In the interests of accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 9** Prior to occupation any dwelling, a sum of £10,000 (index linked) shall be paid to the Highway Authority to fund the implementation of a Traffic Regulation Order (TRO) (and the relevant signing, lining and all other statutory processes) on Station Road, to restrict parking and facilitate safe and efficient movement of traffic along the road, or other such parking scheme in the vicinity of the land, as deemed necessary as a result of this development, should a parking issue arise.

REASON: To prevent inappropriate parking on the highway, in the interests of highway safety and efficiency in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 10** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning head shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 11** 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 ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

- 12** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the carriageway.

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

- 13.** No works except demolition shall take place until 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:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Unless significant sediment and debris removal is applied the outfall should be no smaller than 50mm. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide evidence that the receiving waterbody has the capacity to take the flows from the site.
- 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.
- The consideration of rainwater reuse where possible.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run-off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.

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 (ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To make the development acceptable in terms of flood risk and SuDS.

14. 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 (ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005). Pre-commencement condition justification: To make the development acceptable in terms of flood risk and SuDS.

15. 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 (ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

16. The applicant or any successor in title shall 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 in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 17.** No development or preliminary groundworks shall commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

REASON: A Desk Based Assessment has been submitted for this application which identifies the proposed development as having moderate archaeological potential for Late Prehistoric and Roman remains, whilst the Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits (ULP Policy ENV4 of the Uttlesford Local Plan 2005).

- 18.** One dwelling approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the LPA's adopted SPD "Accessible Homes and Playspace".

- 19.** Prior to dwelling occupation, all of the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 20.** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019), the Revised Ecological Appraisal (Engain, December 2020) and the Revised Planting Plan (Small Bim Architecture, July 2020) 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) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 21.** Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019) and the Revised Ecological Appraisal (Engain, December 2020). 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).
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction when specialist ecologists need to be present on site to oversee works.
 - g) Responsible persons and lines of communication.
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - i) Use of protective fences, exclusion barriers and warning signs.
 - j) 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 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) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition: To ensure that the resulting development does not harm protected or priority species and their habitats.

- 22.** Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Biodiversity Appraisal and Reptile Survey Reports (Engain, May 2019).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- 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 and shall be retained in that manner thereafter.

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

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

The content of the LEMP shall include the following:

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

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

REASON: To allow the 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) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 24.** Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

REASON: To allow the 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) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 25.** If the residential development (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure hereby approved does not commence within 2 years from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:
- i. establish if there have been any changes in the presence and/or
 - ii. abundance of Protected and Priority species;
 - iii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To 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) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 26.** No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the submitted Create Consulting Engineers Ltd report dated May 2019 (ref CB/CC/P17-1319/07 Rev C), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

- 27.** Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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