



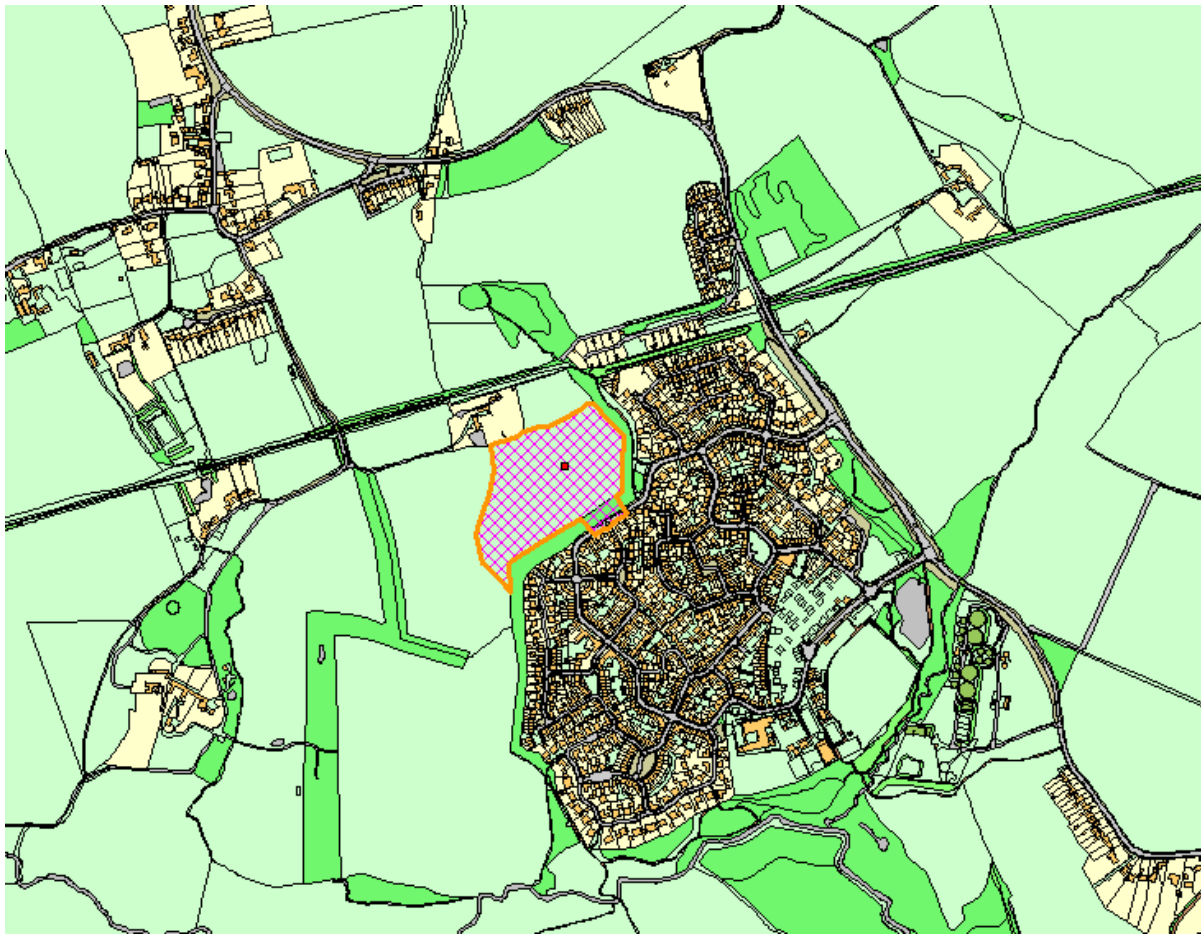
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 22nd November 2023

REFERENCE NUMBER: UTT/22/3470/OP

LOCATION: Land North Of Baynard Avenue, Baynard Avenue,
Fritch Green,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: July 2023**

PROPOSAL: Hybrid Planning Application – Outline application for up to 72 dwellings (Use Class C3) together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) with all matters reserved, except access and structural landscaping.

Full planning application
Proposed access and structural landscaping

APPLICANT: Mr D Metson - Baker & Metson Limited

AGENT: Jennie Bean

EXPIRY DATE: 13 April 2023

EOT Date Expiry 27 November 2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits & site within 100m of Local Wildlife Site

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application.

1. EXECUTIVE SUMMARY

1.1 This application was deferred by the planning committee on 30 August 2023 in order to consider alternative access to the site. The applicant has provided additional information including:

- Access Options Appraisal - Consideration of potential alternative access into the proposed development.
- Construction Vehicle Route Option- Details of how a Construction Access might be achieved from Brook Street should that be considered necessary.
- Parking Survey to identify the nature of current parking on Baynard Avenue –which includes details of the parking provided for each dwelling in accordance with the requirements of the Essex Design Guide.
- Trip Generation Technical Note- Actual trip generation of Fritch Green as it currently exists has been undertaken revealing the trip

generation is actually lower than was assumed in the Transport Assessment.

- Cross section of the boundary between the site and the proposed development.

The access as proposed is the least constrained in terms of landownership, highway impact and general environmental constraints. As such the following the deferral of planning committee (30/8/2023) the applicant has chosen not to revise the application and move forward with the existing access proposed.

- 1.2** The application has been submitted as part outline and part full. The outline part of the application seeks planning permission with all matters reserved except for access, for the construction of up to 72 dwellings, together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) and public open space. The full part of the application relates to the details regarding structural landscaping to a strip along the western boundary of the site. Landscaping to the remaining parts of the application site would be subject to a reserved matters application.
- 1.3** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby 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, paragraph 11 of the National Planning Policy Framework (NPPF) is thereby engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.4** The proposed 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 provide 29 affordable dwelling and new community building. Furthermore, weight has been given in respect to the biodiversity net gain and the provision of public open space. Thus, taken together, significant weight has been accorded to the benefits of the development proposed.
- 1.5** The proposal would result in less than substantial harm to the setting and significance of the Grade II listed building, however a heritage balance has been made and it is considered the public benefits of the development is not outweighed by the harm caused. In addition, it would result in a harmful impact upon the immediate landscape of the site, this would be major to moderate adverse, although this would be localised.
- 1.6** Therefore, and taken together, weight to the adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. RECOMMENDATION

2.1

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 Strategic Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

2.2

In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged. Members must state their reasons including why it is considered that the presumption is not engaged.

2.3

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

2.4

1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support its delivery. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2022.

3. SITE LOCATION AND DESCRIPTION:

3.1

The application site relates to a parcel of land in agricultural use which is approximately 3.46ha. The site is located on the north-western side of the settlement of Oakwood Park, adjacent to the development boundary.

3.2

There is residential development to the south of the site and to the east along Baynard Avenue and Fitzwalter Road respectively. To the west are agricultural fields and to the north is the Grade II listed building of 'Bayleys' with the Flich Way, a County Wildlife Site and Public Right of

Way (PRoW 35_40) beyond. There is also a public right of way (PRoW 35_25) that runs parallel to the western boundary at a distance of approximately 150m.

- 3.3** The site is not located within or immediately adjacent to any conservation area and there are no listed structures on the site. However, the application site is located outside of the development limits of Oakwood Park.

4. PROPOSAL

- 4.1** This planning application is submitted in part outline relating to the construction of up to 72 dwellings, together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) and public open space, with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site and for the details of access to be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) are submitted to the Local Planning Authority for consideration.

- 4.2** The application has also been submitted partly in full. The fully detailed part relates to the structural landscaping to a strip along the western boundary of the site. Landscaping to the remaining parts of the application site would be subject to a reserved matters application.

- 4.3** Although this application seeks outline planning permission in the main, the application is accompanied by parameter plans, which provide an indication of how such a quantum of development could be achieved on the site including in respect of layout.

- 4.4** The proposed dwellings would be predominantly 2 to 2 ½ storeys, with a small section of 3 storey buildings and would range from larger detached properties set within larger plots to smaller semi-detached plots and short terraces.

- 4.5** The proposed housing would comprise of off-street car parking spaces to each unit. 40% of the total are to be affordable housing units.

- 4.6** The proposal would include areas of public open space to the western and eastern boundaries of the site, a children's play space and a small community / commercial building towards the eastern boundary.

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/14/2756/OP - Outline application with all matters reserved for a new mixed-use development comprising: up to 750 dwellings including affordable homes, a village centre including up to 1,000 sq m gross for retail (Class A1-A5) use, up to 500 sq m gross of floorspace for community use and or a GP's surgery (Class D1) and up to 300 sq m gross of office floorspace (Class B1), a primary school (Class D1) with early years and childcare provision, public open space, playing fields (including pavilion and car park) and landscaping;, highways improvements, enhanced public transport, water storage bodies and sustainable drainage, and, associated and ancillary development. - Chelmer Mead - Land East Of Little Dunmow And North Of Flitch Green. – Refused – 03/05/2015.

Adjoining Sites

- 6.2 UTT/21/3596/OP - Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings (REDUCED FROM 180 dwellings) , a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure (AMENDED PLANS & ADDITIONAL INFORMATION INCLUDING reduction in units, increased open space & additional highway measures) - Moors Fields Station Road Little Dunmow Essex. - Approve with Conditions – 02/03/2023.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

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

- The applicant engaged in pre-application discussions with Uttlesford District Council on two occasions on 26th October 2021 and 12th January 2022.
- The pre-submission proposals were displayed at a public exhibition event held at the Flitch Green Community Hall on Saturday 23rd April for councillors and members of the public. Opportunities were provided to receive feedback from the local community and to engage with those directly affected by the proposals.

- 7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed at section 6 within the submitted Planning Statement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

- 8.1 **Highway Authority – No Objection**

8.1.1 This response supersedes the highway response dated 28th March 2023. Further to that response, a revised Transport Assessment (revision A 01.06.23) and revised Access Plans (2276-03/003 Rev J 04.07.23 and Rev K 28.07.23) have been submitted and reviewed by the highway authority. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

8.2 Local Flood Authority – No Objection.

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

9. Felsted Parish Council Comments – Object.

9.1 Resolved to object on the following grounds:

- Impact on local traffic network
- Impact on sewage network
- Impact on local infrastructure including schools and health provision.

9.2 Little Dunmow Parish Council Comments – Object.

9.2.1 Resolved to object on the following grounds:

- Impact on local traffic network and highway safety
- Impact on landscape
- Impact on local infrastructure including schools and health provision.
- Impact on biodiversity
- Impact on the Flitch Way

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection.

10.1.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 72 units. This amounts to 29 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

The tenure split of the affordable housing provision needs to be 70% for affordable rent, 25% for First Homes and 5% for shared ownership. The mix of the affordable housing can be agreed at a later date subject to outline planning approval being granted for the development.

The First Homes will need to be delivered at or below a price cap of £250,000 after a 30% developer contribution has been applied.

10.2 UDC Environmental Health – No Objection.

10.2.1 No concerns raised in relation to the impact of the development upon the residents of neighbouring properties, or future occupiers of the proposal, subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 Satisfied that the impact of the proposal in landscape terms would be limited and localised. The fully submitted details regarding the Western Tree Belt are considered appropriate.

10.4 ECC Infrastructure – No Objection subject to contributions.

10.4.1 A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 72 dwellings:

- Secondary Education: (Financial contribution of £311,453.00).
- School Transport: (Financial contribution of £65,211.80).
- Libraries: (Financial contribution of £5,601.60).

10.5 NHS – No objection subject to contributions.

10.5.1 The proposed development would deliver 72 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 172.8 new patient registrations.

Total General Medical Service monies requested: 67 dwellings x £1,292.00 = £93,024.00.

10.6 East of England Ambulance Service NHS Trust – No objection, subject to contributions.

10.6.1 The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £27,818 and are for the impact of this development.

10.7 Aerodrome Safeguarding – No Objection.

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

10.8 Anglian Water – No objection.

10.8.1 Anglian Water have no objections.

10.9 Place Services (Archaeology) – No objection.

10.9.1 No objections subject to conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation.

10.10 Place Services (Ecology) – No objection.

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

10.11 Place Services (Conservation and Heritage) – Objection.

10.11.1 The development proposals would, in principle, fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2023) this would represent less than substantial harm at the lower to middle part of the scale, making Paragraph 202 relevant.

10.13 Natural England – No comments.

10.13.1 The application site falls outside of the Hatfield Zone of Influence and doesn't fall within any other Impact Risk Zones for residential development.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 85 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Summary of Objections

- 11.2.1**
- Loss of light.
 - Impact on traffic.
 - Pedestrian safety.
 - Lack of public transport.
 - Impact on protected species.
 - Noise pollution.
 - Loss of wildlife.
 - Design concerns including density.
 - Lack of infrastructure to support the development.
 - There isn't a need for housing.
 - Noise and pollution disturbance during construction.
 - Impact on property values (Officer Comment: this is a purely private issue and not a material planning consideration).
 - Loss of countryside / outside development limits.
 - Impact on sewage system.
 - Drainage & Flooding.
 - Loss of green space and removal of trees.
 - It would set a precedent.
 - It would result in coalescence with existing settlements.
 - Impact on light and privacy to neighbouring occupiers.

- Loss of Greenbelt land (Officer Comment: the land does not fall within the greenbelt).
- Lack of jobs.

12. MATERIAL CONSIDERATIONS

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

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

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

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

12.4 The Development Plan

12.4.1 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 21 February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)
 Thaxted Neighbourhood Plan (made 21 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 and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

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

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV5 – Protection of Agricultural Land

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing development

H9 – Affordable Housing

H10 – Housing Mix

13.3 Neighbourhood Plan

13.3.1 It is confirmed a Neighbourhood Plan has not been made.

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)

Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide

Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 A) Principle of Development

B) Countryside Impact

- C) Design & Neighbouring Amenity
- D) Heritage impacts and Archaeology
- E) Affordable Housing Mix and Tenure
- F) Access and Parking
- G) Nature Conservation & Trees
- H) Climate Change
- I) Contamination
- J) Flooding
- K) Planning Obligations

14.3 A) Principle of development

Housing Delivery

14.3.1 The 2023 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

14.3.2 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

14.3.3 Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

14.3.4 The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.5 Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may

be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

- 14.3.6** A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. The proposal would be located to the north-western edge of Oakwood Park in an area which is effectively an enclave of agricultural land that is adjacent to residential development to the east and south. This would serve to off-set the visual impact of the development on the landscape in wider views of the site. Whilst the proposal would have a limited and localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

Loss of Agricultural Land

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

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

14.3.12 Whilst there would be some conflict Policy ENV5, the site consists of Subgrade 3a – good quality agricultural land and therefore classified as best and most versatile land. Given the above and that the loss of BMV land as part of the application would only be approximately 3.46 hectares, this relatively small loss can only be afforded very limited weight in relation to the conflict with this policy. As such, there would be insufficient grounds to introduce such a reason for refusal on this basis as part of the current scheme. Therefore, the loss of agricultural land in this location is not considered to give rise to significant conflict with Policy ENV5 or paragraph 174b of the Framework, which would warrant refusing the application in its own right on this ground.

Suitability and Location

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

14.3.14 Oakwood Park is highlighted within the Local Plan as having been granted planning permission in 1997 for the redevelopment of the sugar beet works that formerly stood on the site.

14.3.15 Although outside the settlement boundaries of Oakwood Park, the new built form would be constructed adjacent to the north-western edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.16 Therefore, the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

NPPF Policy Position

- 14.3.17** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14, this figure does include the necessary 5% buffer. That being said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged.
- 14.3.18** 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.
- 14.3.19** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.
- 14.3.20** However, taking into account the engagement of the tilted balance and when reviewed against the aforementioned policies, the proposal is on balance, considered to be acceptable in principle.

14.4 B) Countryside Impact

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.4.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.4.4** The application site lies within the character area known as the Upper Chelmer River Valley, which stretches from the southern edge of the historic town of Thaxted, southwards to the point at which the river meets the urban edge of Chelmsford.
- 14.4.5** The area is characterised by gently undulating valley floor has an enclosed character and restricted views often framed by the many riverside and hedgerow trees, a string of small wet woodlands and the

sloping valley sides. The assessment describes the key characteristics for the landscape area as being a narrow valley with dense riverside trees, arable valley sides with a fairly open character. Overall, this character area has a relatively high sensitivity to change.

14.4.6 The submitted Landscape and Visual Impact Assessment considers the effects on the character of the Upper Chelmer Valley would be limited and localised, and the proposed development could go ahead without compromising the guidelines for this area. Given the siting of the site, with residential development adjacent to the southern and eastern boundaries of the site, the proposed development would not represent a significant encroachment into the countryside when viewed combination with those other developments. Regard also has to be given to more recent applications that have been approved, such as that as to the north of the site as highlighted within the planning history section of this report, which would also serve to reduce the sensitivity of the landscape in which the proposal would have an impact. Together with the strategy for landscaping on the site, the development would respect the character and appearance of those neighbouring developments and provide a suitable transition to the countryside beyond.

14.4.7 The Council's Landscape Officer has reviewed the submitted Landscape Assessment and advises the proposal the effect of the proposed on the existing character of the immediate site would be major to moderate adverse, although this would be localised. This is due to the change of the undeveloped agricultural field to a residential development; however, this is localised. In cross valley view's taken from the west of the site the effect is considered to be of minor adverse significance.

14.4.8 The proposal for up to 72 dwellings would result in the introduction of built form where there is none currently. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The proposed structural planting of a 20m wide native species woodland belt along the western edge of the site would significantly mitigate the visual impact of the development on the wider landscape. This form part of the full planning application and will be secured through the approval of the parameter plans and western tree belt plan. 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.

14.5 C) Design & Neighbouring Amenity

Design

14.5.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF

highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

- 14.5.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The height of residential development would be predominantly 2 and 2 and ½ storeys with some single storey dwellings and also an area of 3 storey buildings. The density of the site would be between approximately 31 dwellings/hectare and there would be a mixture of housing types.
- 14.5.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant levels of car parking, garden and open space areas and SuD's 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 were to be granted.
- 14.5.4** A Design Code has been submitted as part of the application which provides guidance and outlines measures of high-level design coding and place making, including healthy lifestyles for future occupants to guide future reserved matters applications. The document highlights that the site would be split into 4 different character areas. Each area provides the opportunity to create different character areas that reflect the characteristics of the surrounding villages. A condition would be attached to ensure that any future reserved matters applications are to be guided by the measures outline in the 'design Code' to ensure a high-quality design.
- 14.5.5** The Council's Urban Design officer has not raised any objections objection subject to the provision of local area of play and pedestrian entrances. It is noted in the masterplan includes rear gardens facing the existing tree belt around Baynard Avenue, it is understood this design approach has been taken to ensure the development and built form will not impact protected habitat located to the southern boundary of the site. However, it is noted the layout of the development would be a reserved matter and considered in a subsequent reserved matters application.
- 14.5.6** Although the submitted design code is recommended to be conditioned the submitted plans are illustrative and therefore the layout of the development would be considered in a reserved matters application, although the proposed land use will be secured by the parameter plan.

14.5.7 Given the above, the proposal would comply with Local Plan Policy GEN2.

Neighbouring Amenity

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

14.5.9 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.

14.5.10 The submission includes a parameter plan and layout of the site and that the proposed dwellings would be no more than two storeys in height. This shows that the proposed built form would be sufficiently 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 in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023.

14.6 D) Heritage Impacts and Archaeology

Impact on the Conservation Area & Listed Buildings

14.6.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.6.2 The proposed development site is an area of previously undeveloped agricultural land to the south and east of Grade II listed Bayleys (List entry number 1112805) which was historically part of a farmstead known as Tile End and has been dated to the sixteenth century or earlier with later additions and alterations. There are other Grade II listed buildings within 500 metres of the site, the closest of which is Grade II listed 4 Brook Street (listed as Thatched cottage between brick house and railway bridge, List entry number 1112806) to the north-west of the site which has been dated to the seventeenth or eighteenth century with twentieth century additions and alterations.

14.6.3 The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'.

14.6.4 Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

14.6.5 The ECC Place Services Conservation Officer has been consulted as part of the application and considers that, as the proposed development site forms part of the agrarian setting of the historic farmhouse (Bayleys) and provides a direct link to its historic function, it makes a positive contribution to its significance. However well screened from the listed building the new development is proposed to be, it will inevitably also introduce the adverse effects of light spill and increased noise and activity levels, particularly as it will be a sizeable extension of the modern housing development of Flitch Green.

14.6.6 As such, the proposed development would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2023) this would represent less than substantial harm at the middle part of the scale, making Paragraph 202 relevant. As such, and as per the requirements of paragraph 202 of the Framework, the decision maker needs to weigh the identified harm against the public benefits of a proposal.

Heritage Balance

14.6.7 Framework paragraph 202 requires that the harm to the significance of the listed building must be weighed against the public benefits of the proposal. In relation to 4 Brook Street Paragraph 202 of the NPPF advises harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

14.6.8 The public benefits of the scheme include:

- 29 affordable housing units,
- 5% of the affordable dwelling will be first homes delivered at or below a price cap of £250,000 after a 30% developer contribution has been applied.
- Construction of Community building with flexible uses falling within Use Class E.
- The development includes public open space and pedestrian links to the Flitch Way

- 14.6.9** Taken in isolation, and without consideration of location, the above factors could amount to significant public benefits sufficient to outweigh the less than substantial harm to the designated heritage asset.

Archaeology

- 14.6.10** In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.6.11** The ECC Archaeological Team have not commented on the application. However, it is noted that the site does not fall within an Archaeological Site of importance, and it is considered that subject to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation could be adequately secured by way of condition.
- 14.6.12** The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with Policy ENV4 of the Local Plan.

14.7 E) Affordable Housing Mix and Tenure

- 14.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the National Planning Policy Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 14.7.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the development proposes up to 72 properties. This amounts to up to 29 affordable housing properties.
- 14.7.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for

New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

- 14.7.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. The accommodation mix would be subject to reserved matters application where finer detail in terms of layout would be provided to ensure that the most appropriate mix for the site is submitted for assessment.
- 14.7.5** Moreover, it is also the Council's policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. The proposal included 40% affordable housing provision which is policy compliant and a significant public benefit as part of the proposal. Given the outline nature of the proposal, the tenure and mix of housing could be adequately dealt with by way of condition or at reserved matters stage.

14.8 F) Access and Parking

Access

- 14.8.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.8.2** The application site would be accessed from Baynard Avenue to the north of dwellings along that street. Pedestrian and cycle routes are also proposed through from the Site to Baynard Avenue to the eastern boundary and also connecting to footpaths / cycle paths to the Flitch Way around the north-eastern part of the site.
- 14.8.3** Concerns have been raised as part of the public consultation on the application in relation to the proposal impact in terms of increase in traffic and road access being difficult in and around the area in combination with other developments that have recently been approved.
- 14.8.4** An initial response was provided by ECC Highways in relation to the application which required more detail to be provided in relation to the impact of the development in conjunction with other developments that are taking place. Following the submission of additional information, including a revised Transport Assessment and Access Plan ECC Highways have removed their objection and provided a number of recommended conditions.

14.8.5 The Highway Authority also seek a payment of a £150,000 contribution (index linked) towards enhancement of public transport services in the vicinity of the site, to be spent improving the service to Chelmsford passing the site on Station Road. This would be secured through a S106 agreement.

14.8.6 Parking Survey

In regard to the deferral of the application an additional parking survey has been undertaken. Whilst survey showed that there was on street parking between Britric Close and Fitzwalter Road, the width of Baynard Avenue still allowed access for all forms of vehicles. To help reduce the on-street parking along the access section of the road. The following has been considered:

- Double yellow / controlled parking- difficult to impose and enforce.
- Addition parking bays in the existing verges along Baynard Avenue- This would impact the easing landscaping/ character of this part of the estate.
- Provide alternative parking- this would be possible, however would be away from the properties and unlikely to be well used, especially if the existing parking courts are already underutilised.

14.8.7 The removal of parking along this section of Baynards Avenue will have a detrimental impact on speed reduction. If the road was clear of all parking vehicle speeds would increase. On this basis it is concluded that this section of Baynards Avenue will provide a safe and useable access route.

14.8.8 Trip Generation

Following the planning committee comments regarding the details of trip numbers that had been included in the original transport Statement, the applicant has provided an additional trip generation study. This concludes the trip numbers included are robust and give a reliable forecast of potential trip generation. By way of further investigation, automatic traffic count (ATC) surveys were undertaken from 26 September–02 October 2023, at Flitch Green’s main connection points with Station Road at Baynard Avenue and Tanton Road. Essentially, all traffic to/from Flitch Green was captured by these ATC surveys, including not only the existing 987 dwellings on the estate, but, also the associated educational, retail and recreational uses on the Site, thereby including people coming from outside the neighbourhood of Flitch Green visiting for example the school, the coffee van, Flitch and Chips and the supermarket

14.8.9 In view of the above, it can be stated confidently that trip generation arising from the proposed development would be in the order of 30-40 two-way movements in each of the AM and PM peak hour periods, whichever method of trip forecasting is used. While most of this traffic would be assigned to the Baynard Avenue/Station Road junction, a

proportion would also likely use the Tanton Road/Station Road junction to South.

14.8.10 With the above in mind, the traffic modelling that was included in the final version of the Transport Assessment, which has been accepted by the Highway Authority, presents an accurate picture of the anticipated traffic condition upon the completion of the proposed development at Flitch Green.

14.8.11 Site Access Options

In regard to the deferral reason and to consider alternative access to the site, the applicant has provided an informative in regards to other possible access locations, these include:

- Option A- Access from the former Traveller site,
- Option B- Perry Road
- Option C- Brook Street
- Option D- Baynards Avenue

14.8.12 The current location was considered the most logical place for an access point due to its central location and the presence of speed control.

Option A- Access from the former Traveller site

A new road of 5.5m wide would need to be constructed through the Traveller site, this would need to cross the Flitch way and an existing watercourse. This option would require the purchasing of third-party land.

Option B- Perry Road

Perry Road is only 4.8m wide and whilst at this section has two-foot ways further to the south it is transformed into a shared surface. Perry Road is connected to Baynards avenue by an existing mini roundabout feature. Essex County Council require a minimum carriage with off 5.5m and to achieve this would require the purchasing of third partly land. This access here would require the removal of a larger section of trees. Construction vehicle would require travelling further into Flitch Green.

Option C- Brook Street

This option is from Brook Street, Brook Street is an existing rural lane with a carriage way width varying from 4m to 5m in width. There are no footways, and the road is generally bound either side by existing hedges. The junction with Brook Street is fairly tight making it difficult for HGV to turn into Brook Street without making a number of manoeuvres. Significant improvement will be required to make this a main access into the site, including widening the highway to 5.5m and realignment of the junction with The Street due to proximity of a nearby property. The southern section of Brook Street includes a humpback bridge over the Flitch Way which will restrict the width and would be expensive to improve.

This access option will form a break in the landscape belt proposed as part of the development. The route will also bring the access road closer to the listed building of Bayley's, there may also be an effect on a large oak tree to the south of the access to Bayleys. A full landscaping appraisal would be required.

Option D- Baynards Avenue

Baynards Avenue is part of a strategic loop within Fritch Green, it has a carriage way width of 6m and has been designed to ECC design standards. The route has sufficient capacity to serve the development with no offsite junction improvements required. There is no highway safety issues in relation to the construction of the new access.

No third part land is required, including required visibility splays. The proposal will require the removal of a section of the existing bund however the majority of the development will be screened by the remainder of the bund.

14.8.13 It is clear that Access D (as proposed) is the least constrained in terms of landownership, highway impact and general environmental constraints. As such the following the deferral of planning committee (30/8/2023) the applicant has chosen not to revise the application and move forward with the existing access proposed.

14.8.14 Construction Management Route

The applicant has provided a construction management route option report, the main objective of this note is to outline how the site will be accessed during the construction period.

14.8.15 **Option A- Baynard Avenue**

The first and most direct option is along Baynard Avenue from Station Road. Baynard Avenue is a 6m wide spine road which serves the development of Fritch Green. Along its alignment are a few mini roundabouts which have been designed to allow for HGVs to overrun the central island and some of the approaches. Whilst there is significant on street parking this tends to be concentrated on the section between Britric Close and Fitzwalter Road. Most of the time the residents generally either park on one side of the road or the other always ensuring a clear route through for vehicles. This route is used regularly by a wide range of HGV vehicles that would normally be required to serve a residential development of this scale for example refuse vehicles, service and delivery vehicles and removal vehicles.

14.8.16 If this route was adopted as the main construction vehicle access, then larger deliveries would be planned to be undertaken outside of the peak am/pm peak hours for the development. In addition, onsite parking would be provided to ensure that no construction workers or visitors would need to park outside of the site itself. Wheel washing equipment would be provided on site to ensure that no soil is deposited out onto the estate

roads. Turning facilities will be provided inside the site so that all vehicles can enter and exit in forward gear.

14.8.17 Option B- Brook Street

This option involves the construction of a temporary haul road from The Street within Little Dunmow running parallel with Brook Street in the field prior to joining the highway before going over the Flitch Way and into the site within the northeast corner. This would avoid the tight corner next to Ivy House a listed building and the majority of Brook Street itself.

14.8.18 The haul road would consist of a short section of concrete construction at the main access point with The Street this to minimise any stone being taken out onto the highway. In addition, wheel washing equipment will be provided at this location to ensure that no soil taken out of the site onto the Highway. The access onto The Street would be located at an existing gap in the hedge, which was previously used as a field access.

14.8.19 The rest of the haul road itself will be formed by stripping the topsoil for a 6m wide strip and stockpiling immediately adjacent to the route. A geotextile membrane will be then laid down and then Type 1 Stone or Hoggin compacted in layers on top, creating a good running surface suitable for all vehicles. Just prior to re-joining Brook Street north of the Flitch Way it is proposed that a materials store/vehicular parking area will be provided. The idea behind this is that larger vehicles delivering roof trusses and bricks etc, will unload at the materials store with smaller loads then being transferred into the site. Sufficient space will be provided for vehicles to turnaround within the store area.

14.8.20 The haul road could be constructed on land within the control of the Metsons and will be removed on completion and the field reinstated. The stone/hardcore would be used to form the sub-base for the footway/cycleway links around the development.

14.8.21 Overall, the site during construction will generate at its peak around 10 HGV movements and circa 50 LGV/car movements. All construction vehicles will be directed to and from the B1256 to the north avoiding Felsted Village. Large delivery vehicles will be scheduled to arrive at the site outside the peak hours on the highway network. Dust management and wheel washing will be provided at all access locations and space will be allowed within the site to allow all vehicles to enter and exit by forward gear only.

14.8.22 It is proposed that the final arrangements would be secured by planning condition as part of a Construction Management Plan prior to the commencement of works on the site, as set out in recommended condition 6.

Parking Standards

- 14.8.23** Policy GEN8 of the Local Plan advises 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'.
- 14.8.24** The adopted Council's Residential Parking Standards (2013) 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.
- 14.8.25** As such, the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents, however the details of this would be considered in a reserved matters planning application. The provision of electric vehicle charging infrastructure could be secured by way of an appropriately worded planning condition had the application been recommended for approval.
- 14.8.26** Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.9 G) Nature Conservation & Trees

Nature Conservation

- 14.9.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is outside the 10.4km Zone of Influence of Hatfield Forest which is a Site of Special Scientific Interest (SSSI). The Flitch Way, which is a designated County Wildlife site, is located due north of the site.
- 14.9.3** The Place Services Ecology team have reviewed the supporting documentation submitted as part of the proposals and consider that the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable, subject to conditions
- 14.9.4** The proposed reasonable biodiversity enhancements including the installation of 16 bat bricks, six sparrow boxes, six Swift bricks, four Starling bricks and 16 Bee bricks as well as new woodland planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy

Framework (2023) and is supported by the Place Services Ecology team.

Trees

14.9.5 The proposed development would result in the loss of 1 individual tree and a section of hedging on the eastern boundary to facilitate access. It is noted that the tree to be removed is a category B tree. However, these losses would be mitigated by proposed new tree and hedge planting. Extensive planting of street trees is proposed throughout the development and will largely comprise of varieties of different species of indigenous trees.

14.9.6 The Council's Landscape Officer has not provided specific comments on tree removals. However, it is noted that a section of trees as part of Group 1 as shown on the submitted Tree Survey would be required to be removed to facilitate access. Whilst this group is made up of category B trees, the loss of this section would be outweighed by replacement planting within the site and also along the proposed Western Tree Belt made up of 100 trees. This would ensure that the tree cover to be lost to facilitate access would be adequately replaced in terms of quantum and quality within the application site.

14.10 H) Climate Change

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

14.10.2 The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. An Energy Statement has been submitted as part of the application which highlights the key sustainability features that would be incorporated as part of the development. The proposals would achieve at least a 10% carbon emissions reduction over a Part L compliant development, with the predicted improvement of 30-50%, which is supported. Given the outline nature of the application, full details of such measures would be dealt with by way of condition through the submission of a more detailed energy and sustainability statement.

14.11 I) Contamination

14.11.1 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.

- 14.11.2** The Council's Environmental Health Officer has been consulted as part of the application and notes the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is therefore important to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. It is therefore suggested that, if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This would require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Desk Study Assessment, prior to any works commencing on site, with further potential site investigations and remediation taking place at the site.

14.12 J) Flooding

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

- 14.12.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

- 14.12.3** New major development for housing needs to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

- 14.12.4** Essex County Council who are the Lead Local Flooding Authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.

- 14.12.5** The proposals, for this reason thereby comply with Policy GEN3 of the adopted Local Plan and the NPPF.

14.13 K) Planning Obligations

- 14.13.1** Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This

is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.13.2**
- Secondary Education: (Financial contribution of £311,453.00).
 - School Transport: (Financial contribution of £65,211.80).
 - Libraries: (Financial contribution of £5,601.60).
 - NHS: Financial contribution of £93,024.00.
 - Provision Emergency Ambulance Service Infrastructure, contribution of £27,818
 - Provision of 40% affordable housing.
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
 - Provision and long-term on-going maintenance of public open space.
 - Financial contribution of £150,000 towards bus services.

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** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years and does include the necessary 5% buffer. That being said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged.
- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.
- 16.3** In respect to addressing the benefits of the proposed development, the affordable housing units and community building with flexible uses falling within Use Class E, these elements would represent significant public benefits.
- 16.4** The development would provide modest economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy, including the provision of commercial / community building on the site.
- 16.5** The provision of a large area of new public open space within the development would also represent a modest public benefit as part of the scheme.
- 16.6** Turning to the adverse impacts of development, the negative environmental effect of the development would be the harmful impact caused to the landscape character and visual effects on the character and appearance of the countryside from the introduction of built form in this location, albeit this would be limited and localised.
- 16.8** The proposal would also result in less than substantial harm to the visual significance of the Grade II listed Bayleys, a heritage balance has been made at paragraph 14.6.9 of this report and concludes the development would include significant public benefits that would outweigh the heritage harm.
- 16.9** Therefore, and taken together, the harm caused by the proposed development is not considered to significantly and demonstrably

outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

- 16.10** Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plans is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Provision of 40% affordable housing.
 - ii. 25% of Affordable housing being First Homes.
 - iii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
 - iv. Securing Farmland Bird Mitigation Strategy to compensate offsite the loss or displacement of any Farmland Bird.
 - v. Maintenance of SuDS including on-going maintenance of drainage systems where their outfall is beyond the site.
 - vi. Provision and long-term on-going maintenance of public open space.
 - vii. Provision and management of community building with flexible uses falling within Use Class E.
 - viii. Financial contribution of £150,000 towards bus services.
 - ix. Secondary Education: (Financial contribution of £311,453.00).
 - x. School Transport: (Financial contribution of £65,211.80).
 - xi. Libraries: (Financial contribution of £5,601.60).
 - xii. NHS: Financial contribution of £93,024.00.
 - xiii. Provision Emergency Ambulance Service Infrastructure, contribution of £27,818.
 - xiv. Monitoring fee for Residential Travel Pack
 - xv. Pay the Council's reasonable legal costs.
 - xvi. Pay the monitoring fee.

17.3 Conditions

1 Full Planning Permission

Access and Structural Landscaping hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Outline Planning Permission

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.

3 Outline Planning Permission

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.

4 Outline Planning Permission

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.

5 The development shall be carried out in accordance with the following approved plans: 21012-01, 21012-05, 21012-04, 21012-03, E21858-TLP-400, 03/003 Rev H & Design Code 15.06.2023 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality, street scene and highway safety in accordance with Policies S7, GEN1, GEN2 of the Adopted Local Plan and the NPPF.

6 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) Construction/Operational Hours
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials

- d) storage of plant and materials used in constructing the development
- e) the control of noise and dust from construction, including the hours of working and hours of deliveries
- f) safe access to site and construction route
- g) wheel washing facilities
- h) measures to control the emission of dust and dirt during construction

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 7** Prior to commencement of the development, a Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced.

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

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

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

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

- 8** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 9** 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:

- Verification of the suitability of infiltration of surface water for the development. 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.
- Limiting discharge rates to 2.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
- 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;
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event OR, if impracticable.
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change;
- 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.
- 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.

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 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 policy GEN3 of the Adopted Local Plan and the NPPF.

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

- 11** Prior to the commencement of the development hereby approved an air quality assessment and report shall be undertaken and submitted and approved by the Local Planning Authority.

The assessment report, which should include dispersion modelling, is to be undertaken having regard to all relevant planning guidance, codes of practice, British Standards and the UDC Air Quality Technical Planning Guidance 2018 for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment. The assessment report should comply with requirements of the EU Directive 2008/50/EC, the Air Quality Standards Regulations 2010.

REASON: In the interest of protecting air quality in accordance with Policy ENV13 and the NPPF.

- 12** Prior to the commencement of the development, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor.

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

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

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 13** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

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

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

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

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

- 15** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

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

- 16** The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

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

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

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

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

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 18** Prior to the commencement of the development, an Energy and Sustainability Statement shall be submitted to, and approved in writing by, the local authority. The measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

- 19** No later than the submission of the first reserved matters application, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority.

REASON: To create a sustainable new community with a range of dwelling size, which contribute towards meeting need, in accordance with Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 20** Prior to work proceeding above slab level, to submit for approval details regarding the provision of a 3m combined shared footway/cycleway link to provide access to the Fritch Way, and, prior to occupation of the proposed development, construct the agreed link, to be maintained for the lifetime of the development

REASON: To provide a safe and convenient access for pedestrians and cyclists in the interest of highway safety and accessibility in accordance with ULP Policy GEN1 and the NPPF.

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

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

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

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

- 23** Prior to occupation of the 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 policy GEN1 and the NPPF.

- 24** Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and

along the nearside edge of the carriageway shown on drawing 2276-03/003 Rev K 28.07.23.

Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing highway network in the interest of highway safety in accordance with ULP Policy GEN1 and the NPPF.

- 25** Prior to occupation of the development, the provision of an access formed at right angles to Baynard Avenue, as shown in principle on drawing no. 2276-03/003 Rev K 28.07.23 to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres; one 2 metre footway; one 3 metre shared cycle/footway and pedestrian crossing points.

REASON: To ensure that vehicles can enter and leave the existing highway network in a controlled manner in the interest of highway safety in accordance with ULP Policy GEN1.

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

The content of the LEMP shall include the following:

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

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

approved plan will be implemented in accordance with the approved details.

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

- 27** Prior to the first occupation of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans 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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 28** 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 (adopted 2005)

- 29** No dwelling shall be occupied until the internal and external areas of dwellings are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 23:00

Resting - Living room 35 dB LAeq,16hour

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

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

23:00 to 07:00

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

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

Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

Noise from the system will not present an adverse impact on occupants
The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions
The alternative means of ventilation shall be maintained thereafter.

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

- 30** If the development hereby approved does not commence within 12 months 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 abundance of Badger and
- ii. 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 of development.

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

- 31** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered

storage for motorised and non-motorised cycles, an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

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

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

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

- 33** The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

5% of the dwellings hereby approved wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

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

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.

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

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

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

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted airport An aviation perspective Glint and Glare assessment may be necessary in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 37** Details of the drainage system will be necessary at Reserved Matters stage; ideally there will be no ponds or large areas of permanent open water either from drainage attenuation or biodiversity enhancement.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

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

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

- 39** A minimum of a single electric vehicle charging point shall be installed at each of the dwellings. These shall be provided, fully wired and connected, ready to use before first occupation.

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)".and in accordance with the guidance in Approved Document S 2021.

Appendix 1 – Lead Local Flood Authority

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



Uttlesford District Council
Planning Services

Date: 31st January 2023
Our Ref: SUDS-006528
Your Ref: UTT/22/3470/OP

Dear Sir/Madam,

Consultation Response –UTT/22/3470/OP – Land North of Baynard Avenue, Flich Green

Thank you for your email received on 12/01/23 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

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:

- Verification of the suitability of infiltration of surface water for the development. 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.

- Limiting discharge rates to 2.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party
- 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,
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event *OR, if impracticable.*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change
- 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.
- 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.

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with

outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/flood-risk-assessments-climate-change-allowances)

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours faithfully,

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

Appendix 2- Highway Authority

Travel Planning team

Director of Highways and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No.	UTT/22/3470/OP
Applicant	Mr D Metson Baker & Metson Limited
Site Location	Land North Of Baynard Avenue Baynard Avenue Flitch Green Essex CM6 3FD
Proposal	Hybrid Planning Application - Outline application for up to 72 dwellings (Use Class C3) together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) with all matters reserved, except access and structural landscaping. Full application for access and structural landscaping

This response supersedes the highway response dated 28th March 2023. Further to that response, a revised Transport Assessment (revision A 01.06.23) and revised Access Plans (2276-03/003 Rev J 04.07.23 and Rev K 28.07.23) have been submitted and reviewed by the highway authority.

The assessment of the application including its revised Transport Assessment has been undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

2. Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and along the nearside edge of the carriageway shown on drawing 2276-03/003 Rev K 28.07.23. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing highway network in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development, the provision of an access formed at right angles to Baynard Avenue, as shown in principle on drawing no. 2276-03/003 Rev K 28.07.23 to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres; one 2 metre footway; one 3 metre shared cycle/footway and pedestrian crossing points

Reason: To ensure that vehicles can enter and leave the existing highway network in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. 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:
 1. vehicle routing,
 2. the parking of vehicles of site operatives and visitors,
 3. loading and unloading of plant and materials,
 4. storage of plant and materials used in constructing the development,
 5. 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 DM1.

5. Prior to work proceeding above slab level, to submit for approval details regarding the provision of a 3m combined shared footway/cycleway link to provide access to the Flich Way, and, prior to occupation of the proposed development, construct the agreed link, to be maintained for the lifetime of the development

Reason: To provide a safe and convenient access for pedestrians and cyclists in the interest of highway safety and accessibility in accordance with policies DM1, DM9 and DM17.

6. Prior to occupation of the proposed development, the payment of a £150,000 contribution (index linked) towards enhancement of public transport services in the vicinity of the site, to be spent improving the service to Chelmsford passing the site on Station Road

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.

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

Notes:

- LTN 1/20 compliance table/report for cycle routes will be required for the development.
- A RSA1 for the proposed access and off-site highway improvement scheme to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval). Enquiries to: roadsafety.audit@essexhighways.org
- All highway related details should be agreed with the Highway Authority.

Informatives:

- (i) In making this recommendation the Highway Authority has treated all drawings relating to the internal layout of the proposal site as illustrative only
- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the SMO2 Development Management Team by email at development.management@essexhighways.org
- (iii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, 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.
- (iv) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- (v) There shall be no discharge of surface water onto the Highway.
- (vi) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway