



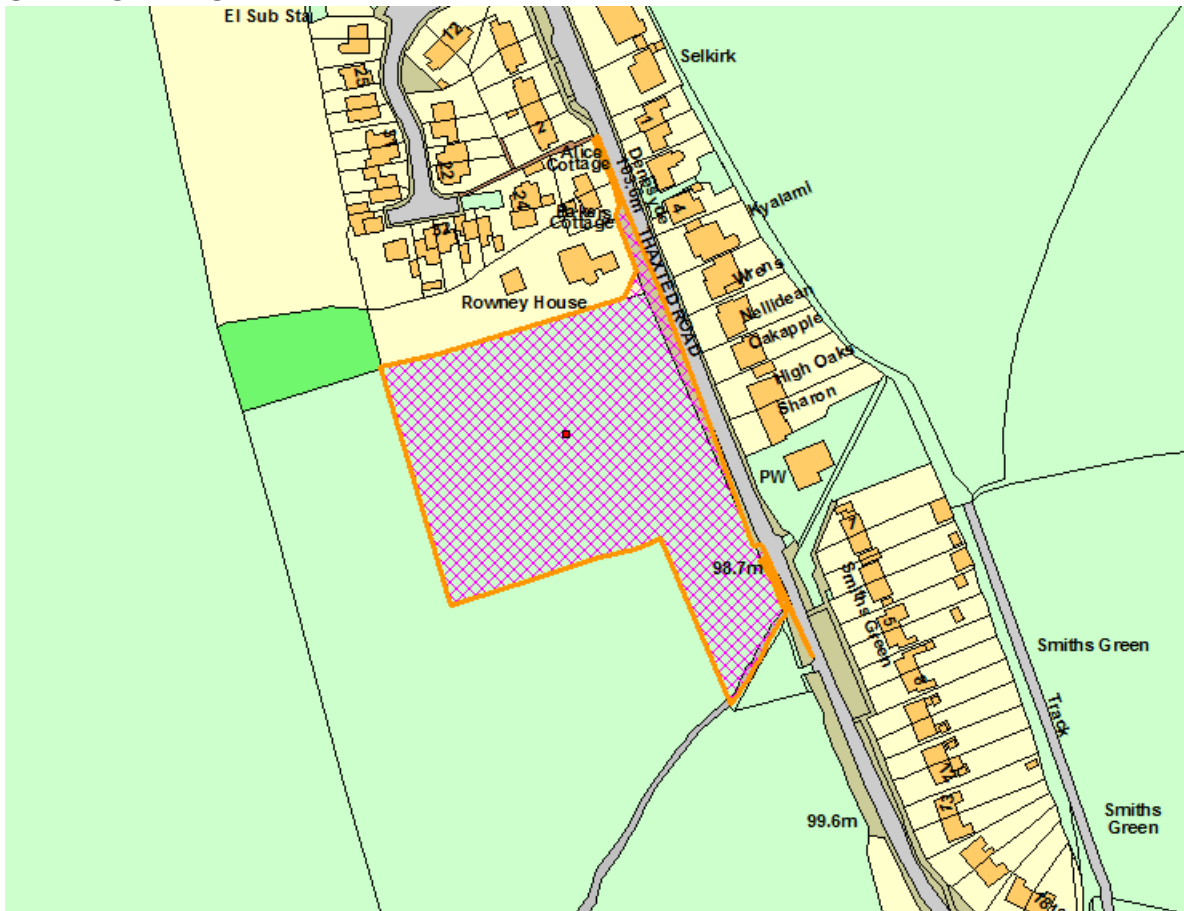
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 22 November 2023

REFERENCE NUMBER: UTT/23/0878/DFO

LOCATION: Land To The West Of
Thaxted Road
Debden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 25 September 2023

PROPOSAL: Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings – details of access, layout, scale, landscaping and appearance.

APPLICANT: Ford Homes Ltd

AGENT: Mr R Albone (BBR Design Ltd)

EXPIRY DATE: 04 July 2023

EOT EXPIRY DATE: 27 November 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Adjacent).
Tree Protection Order.
Within Areas A and B of Debden Radar.
Road Classification (Thaxted Road – Class III).
Within 2km of SSSI.
Public Right of Way (Footpath – West).
Public Right of Way (Footpath – South).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

1.1 This is a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following the outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units and a public open space to the front of the site.

1.2 The details of access, scale, appearance and layout are acceptable, as the proposed development would have limited impact on the character and appearance of the area and would safeguard the residential amenities of existing and future occupants. The proposal would not compromise highway safety as agreed by the Highway Authority and would provide appropriate parking arrangements. The development would also be acceptable in terms of ecology and biodiversity. The detailed surface water drainage scheme has been assessed and accepted by the Lead Local Flood Authority.

- 1.3 The landscaping proposals submitted with the application would require further details which shall be conditioned.
- 1.4 Affordable housing, education contributions, a public open space and a village hall contribution have been secured through the signed section 106 agreement at the outline stage of the development. The housing mix and affordable housing provision and mix are also supported by the Housing officer.
- 1.5 The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme – the position has not changed following the grant of the outline permission (UTT/20/0264/OP). Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

2. **RECOMMENDATION**

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

A) Conditions

3. **SITE LOCATION AND DESCRIPTION**

- 3.1 The application site comprises open, undeveloped land used as arable land, located to the west of Thaxted Road, adjacent to the development limits in the village of Debden. Thaxted Road runs north-south through the centre of Debden, providing a link for communities between Saffron Walden and Thaxted. The site is the south of Highfields, a small cul-de-sac, and Rowney House, within the garden of which two houses have been approved. There is ribbon development of housing to the east of the site on the opposite side of Thaxted Road. The site is generally raised above the level of Thaxted Road and falls towards the south-west corner. There are hedgerows alongside the highway and to the north and south of the site. The site is open to land to the west. Public footpaths run to the west and south of the site. The site is within the Environment Agency Flood Zone 1 and therefore not at risk from fluvial flooding.

4. **PROPOSAL**

- 4.1 This is a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following the outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units a public open space to the front of the site.
- 4.2 The application includes the following documents:

- Application form
- Desk based archaeological assessment
- Landscape and visual assessment
- Preliminary ecological appraisal
- Transport statement
- Flood risk assessment
- Revised transport statement
- Agent's response to highways
- Email correspondence
- Response to flood authority
- Response to case officer (revisions)
- Revised area schedule (by plot).

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

Reference	Proposal	Decision
UTT/20/0264/OP	Outline permission with all matters reserved for the erection of 25 no. private and affordable dwellings.	Approved with conditions and a s106 agreement (03.10.2022).
UTT/18/1708/FUL	Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure, including 14 no. affordable housing units. With associated garages, landscaping and new access.	Refused and appeal dismissed (22.02.2019).
UTT/17/3047/PA	Erection of 25 dwellings on current agricultural land.	Closed (01.12.2017).

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

- 7.2** No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this reserved matters application. No details have been submitted prior to the submission of this application of whether any community consultation with the public was

undertaken. However, a statement of community involvement had been submitted with the outline application (UTT/20/0264/OP).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 Local Flood Authority

8.2.1 No objections unconditionally – recommended discharge of condition 10 from the outline permission (see full response in Appendix 2).

8.3 Natural England

8.3.1 No comments (see full response in Appendix 3).

8.4 Manchester Airport Group

8.4.1 No objections subject to conditions (see full response in Appendix 4).

9. PARISH COUNCIL COMMENTS

9.1 Object:

- The Parish Council objected the outline application.
- Potential for further development.
- Missing design and access statement.
- Insufficient information about housing mix and tenure mix.
- Size and type of dwellings can be objected to.
- Highway safety concerns.
- Potentially insufficient parking provision.
- Clarifications needed regarding ownership of foul sewer.
- Concerns on boundary treatments and street lighting.
- Ecological and biodiversity concerns.
- Flood risk concerns.
- Residents contributing to a management company may compromise affordability.
- Appearance of dwelling more in keeping with properties in the area.
- More dwellings necessary for young and elderly with more parking.
- S106 necessary to restrict further development.
- Provision to prevent extensions, to prevent over-development.
- No pre-application discussions with the parish council.
- Public consultation with the developer necessary after the May elections.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections.

10.2 UDC Environmental Health

10.2.1 No objections subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No objections subject to conditions.

10.4 Place Services (Ecology)

10.4.1 No objections subject to a condition.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

10.6 Crime Prevention Officer

10.6.1 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

10.7 Anglian Water

10.7.1 No comments as there is no connection to the Anglian Water sewers.

10.8 Affinity Water

10.8.1 No comments.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper and representations have been received.

11.2 Support

- 11.2.1
- Opportunity for local people to remain in the village.
 - Affordable housing provision.
 - Potential for young persons to own a house.
 - Appealing village and area.

11.3 Object

- 11.3.1
- Potential for further development.
 - Highway safety concerns.

- Flood risk and drainage concerns.
- Loss of arable land.
- Too large a development for the size of the village.
- No public consultation.
- Right to control the pace and nature of development in local community.
- Previously developed land alternatives not considered.
- Detrimental effect to the environment.
- Tandem parking arrangements unacceptable.
- Car reliance.
- Infrastructure capacity concerns.
- Loss of view and outlook.
- Noise, light pollution and other disturbances.
- Concerns over responsibility and maintenance of public open space.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Appropriate boundary treatments needed.
- Details needed for the wildlife strip on the northern boundary.
- Harm to protected tree.
- Trees on northern boundary within the curtilage of Rowney House.
- Land ownership issues (access, footpath).
- Out of date ecology report.
- Three storey buildings.
- Lack of green/sustainability credentials.
- Consultation with Natural England required.
- Concerns regarding the accessibility of the flats.
- Conflict with local and national policies.
- Loss of ancient verge.

11.4 Neutral

- 11.4.1**
- Scaled back application.
 - Affordable homes provision.
 - Affordable homes should be offers to local first-time buyers.
 - Restriction on future expansion of the site necessary.
 - Risk of creating housing estates within the village.
 - Rural character must be preserved.
 - Further loss of arable land must be prevented.
 - Public consultation necessary.

11.5 Comment

- 11.5.1** All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but civil matters.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	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
H9	Affordable Housing
H10	Housing Mix
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV11	Noise Generators
ENV12	Protection of Water Resources
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 There is no 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Supplementary Planning Document – Developer's contributions
 Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)
 Essex County Council Developers' Guide to Infrastructure Contributions (2020)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Background
 - B) Appearance, scale, layout, landscaping / Climate change
 - C) Residential amenity
 - D) Access and parking
 - E) Ecology
 - F) Contamination
 - G) Archaeology
 - H) Flood risk and drainage
 - I) Housing mix and affordable housing
 - J) Other matters

14.3 A) Background

14.3.1 The principle of the development was accepted in the outline permission granted under UTT/20/0264/OP (extant until 30 September 2025). The outline permission was granted subject to planning conditions and a

section 106 agreement. The s106 agreement set out the terms in which affordable housing, public open space and the village hall contribution would be defined.

14.3.2 Since the determination of the outline planning application, the local planning authority (LPA) published in October 2023 a 5-Year Housing Land Supply (5YHLS) of **5.24 years**¹; this figure includes the necessary 5% buffer. That said the LPA's Development Plan cannot be viewed as being fully up to date, and as such, paragraph 11(d) of the National Planning Policy Framework (2023) would still be engaged. The planning balance has already been applied in UTT/20/0264/OP and found the proposal to represent 'sustainable development' in the context of the NPPF.

14.3.3 The LPA has also adopted the Supplementary Planning Document (SPD) Developer Contributions (March 2023) as part of its development plan.

14.3.4 Notwithstanding the updated 5YHLS position and the adoption of a new SPD, there is material change in circumstances that would alter the view relating to principle. The proposal's compliance with the findings of the Planning Inspector² for a development of 36 no. dwellings that was dismissed on the wider site is explained in Section B.

14.4 B) Appearance, scale, layout, landscaping / Climate change

14.4.1 The scope of outline and reserved matters permissions is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It limits reserved matters approval to issues of access; appearance; landscaping; layout; and scale with the following definitions:

- 14.4.2**
- **“appearance”** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - **“landscaping”**, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;

¹ Previously at 4.89 years in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

² APP/C1570/W/19/3231500 (UTT/18/1708/FUL) for a mix of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure and affordable housing – Appeal dismissed on 09 September 2019.

- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

- “**layout**” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- “**scale**” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings.

14.4.3 Layout:

The proposed development would provide amenity spaces, a main internal road, footpaths and public open space for community interaction. The main road at the centre of the development would have soft landscaping features, including trees, that would highlight it as a focal point in the proposed layout. The proposed dwellings to the east of the application site would be aligned to the open space to its frontage facing onto Thaxted Road, creating a defined edge within the site and an appropriately unified front. Intra-site navigation would be easy and convenient.

14.4.4 The proposed dwellings will have sufficient private amenity spaces with appropriate distances between them and the existing neighbouring properties (see Section C). The apartment block (plots 13-17) would include communal space and all plots would be located close to the public open space to the front of the site. Refuse collection would take place from within the site, with refuse vehicles travelling in forward gear and appropriately spaced driveways to allow their turning to exit the site in a forward gear.

14.4.5 The Inspector for the appeal scheme (see plan) noted that the Highfields housing estate to the north of the site, above Rowney House, is not a prominent departure from the local pattern of development as it is screened from the wider rural landscape by a dense belt of planting to its west³. However, unlike the refused scheme, the proposed layout would be looser with less units/outbuildings and with the western boundary stepped back to coincide with that of the development envelope, which would offer a softer perception of the development to the users of the public footpath to the west of the site. Although no such belt of planting is proposed on the western boundary, the front layout of the site would include a public open space and the existing landscape buffer on the northern boundary would be enhanced by additional plantings (to be secured via condition). Also, unlike the refused scheme, the proposed layout would include three tiers of built form.

³ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 7.



14.4.6 The Crime Prevention officer raised **no objections** but noted concerns with the layout, requiring the details of the proposed lighting, boundary treatments and physical security measures (to be conditioned).

14.4.7 Therefore, the proposal would be a natural extension to the village rather than a prominent departure from the local pattern of development or visually separate and discordant incursion into the rural landscape as the appeal scheme⁴. The proposed layout would provide an appropriate siting of the dwellings, garages and public open space within the site that would be compatible with its surroundings and nearby residential development. The proposal would comply with policy GEN2 of the Local Plan and paragraph 130(a)-(d) of the NPPF.

14.4.8 Scale and appearance:

The appeal scheme was found to have a suburban character and layout due to its failure to reflect the local vernacular, the lack of a verdant character throughout the appeal site and its out-of-scale proportions in relation to Debden⁵. On the contrary, the current design of the proposed buildings would be responsive to the local vernacular, away from the previous unified and boxy appearances, taking design cues from traditional rural buildings in the countryside (including the Broctons Farm complex).

14.4.9 The traditional designs of the proposed dwellings would remove the generic suburban aesthetic of the previous scheme in favour of a distinct visual identity that would make the development compatible with the surrounding buildings and the edge of the village. The built form has been reduced in comparison to the appeal scheme. Although the proposed dwellings would be of varying scales⁶, there would be fewer units than the appeal scheme, and as such, the development would read as a “*natural*,

⁴ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 9.

⁵ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraphs 12-13.

⁶ Including larger detached dwellings, smaller semi-detached properties, a bungalow and a block of flats.

integrated and harmonious extension" to Debden⁷ and its landscape setting. The residential gardens and the natural elements and plantings in the proposed layout would offer a verdant character to the application site that the previous scheme failed to provide. Finally, the proposed materials would include the use of timber weatherboarding and brickworks that are more appropriate for this rural location (to be secured via condition). The proposal would comply with policy GEN2 of the Local Plan and paragraph 130(a)-(d) of the NPPF.

- 14.4.10** The Inspector also noted that the smaller scheme of 25 no. dwellings would be materially different to the appeal scheme for 36 no. dwellings; in his words "*Part of the site is allocated in draft Policy DEB1 of the emerging Local Plan. However, the emerging local plan is not at a stage where it can be given determinative weight. In any event, the draft allocation is for approximately 25 homes on a smaller parcel of land. A scheme coming forward in the context of this allocation, if adopted, would be materially different to what is before me*"⁸. Although the site has not been allocated in the latest draft Local Plan, outline permission has already been granted and the site is indeed materially different to the previous one for the reasons explained in Section B.
- 14.4.11** Notwithstanding the concerns raised from neighbouring occupiers regarding the size of the block of flats, this building would not be visually or spatially dominant within the application site nor as viewed from the public realm and the neighbouring properties. Plot 17 (flat 5) would be within the roof of the proposed building, and as such, the overall height of the block of flats would only be 2m higher than plots 11-12 next door and not significantly higher than the existing properties on this side of Thaxted Road. The appearance of the building as a 2.5-storey property and its location away from the edges of the development site would preserve the character and appearance of the area and streetscene.
- 14.4.12** The proposal would not involve any significant changes in the existing ground levels across the site and the proposed dwellings have been designed to respond in scale to the existing ground levels, as shown in the Revised Proposed Section drawings.
- 14.4.13** A condition is also necessary to improve accessibility and social inclusion for all potential users for the proposed building for plots 13-17, in accordance with policy GEN2(c) of the Local Plan, as recommended by the Housing officer.
- 14.4.14** Landscaping:
- 14.4.15** The landscape proposals would create a public open space to the front of the site that would contain wildflower meadows and mixed native hedging, whilst retaining the existing front hedge (except for the vehicular access).

⁷ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 13.

⁸ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 28.

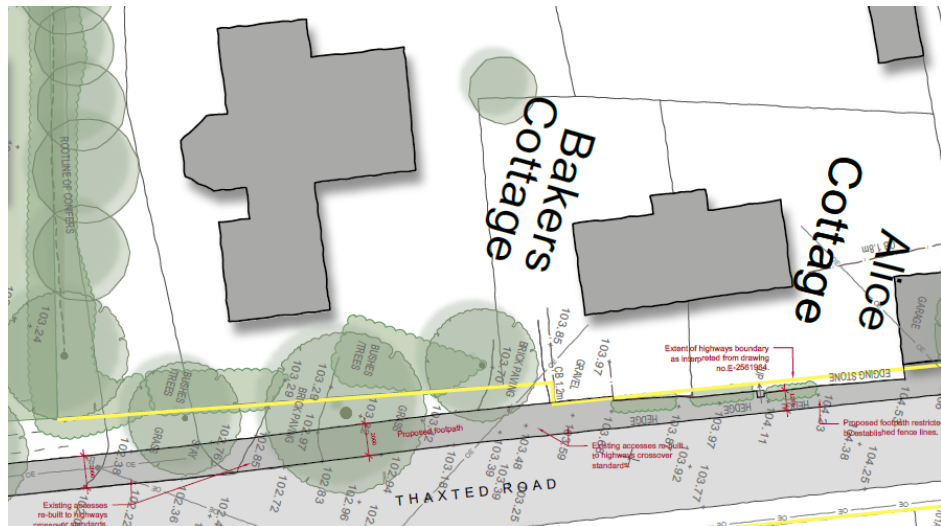
The landscape buffer on the northern boundary would also be enhanced with additional tree plantings and mixed native hedging. These features would create green infrastructure corridors within the site, improving the experience of highway users and softening the appearance of the proposed development as perceived from the neighbouring occupiers across the road to the east.

14.4.16 The Landscape officer raised **no objections** subject to conditions, as the proposal would not be harmful to the wider landscape. The conditions refer to hard and soft landscaping details and a condition to ensure replacement and/or filling for any loss of hedge or gaps in the existing hedge with replanted hedge at 3 no. subjects per metre run inclusive of existing. Despite the submitted Proposed Landscaping Plan, further details are required (including photographs and specifications) for the proposed hard and soft landscaping features. The Landscape officer advised that close boarded fencing should be avoided to the western and southern boundaries (facing onto open arable fields), and a continued hedge or post and rail fencing would be necessary at the southern boundary of the site between plots 25 and 09.

14.4.17 Notwithstanding the concerns raised by third parties, the Landscape officer confirmed that the risk to the protected tree⁹ to the front of Rowney House, by the proposed footway, would be less than substantial. Despite the Inspector's concerns that "*It has not been demonstrated how the provision of a pavement along Thaxted Road would be compatible with the retention of this tree*"¹⁰, the previous case officer for the outline application (UTT/20/0264/OP) stated that the submitted drawing titled Proposed Footpath Link would demonstrate that the TPO tree would be retained due to the limited infringement of the hardstanding over its root protection area and protective measures during construction works (to be conditioned). The same applies for the current application, as the same drawing was submitted. Given that these protective measures would be within the application site, as shown in the Location Plan, the condition would comply with the tests in paragraph 56 of the NPPF.

⁹ Tree Preservation Order (TPO).

¹⁰ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 30.



14.4.18 Climate change:

The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. An Energy Statement or other relevant information have not been submitted with the application; however, an appropriate condition can be used to ensure the development would bring forward water and energy efficiency measures and construction techniques to ensure compliance with the above policies, as well as section 14 of the NPPF. Water efficiency must be at a total water consumption of 110 litres per person per day (or less) as set out in policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan.

14.5 **C) Residential amenity**

14.5.1 In terms of the residential amenity of the occupants, the proposed units have the following occupancies and gross internal areas (GIA) compared to the minimum thresholds set out in the Nationally Described Space Standard (NDSS, see brackets):

- Plot 1: 3B4P¹¹ (> threshold 84sqm)
- Plot 2: 3B4P (> threshold 84sqm)
- Plot 3: 3B4P (> threshold 84sqm)
- Plot 4: 3B5P (> threshold 93sqm)
- Plot 5: 3B5P (> threshold 93sqm)
- Plot 6: 3B4P (> threshold 84sqm)
- Plot 7: 3B4P (> threshold 84sqm)
- Plot 8: 4B6P (> threshold 106sqm)
- Plot 9: 4B6P (> threshold 106sqm)
- Plot 10: 5B7P (> threshold 119sqm), including home office
- Plot 11: 3B4P (> threshold 84sqm)
- Plot 12: 3B4P (> threshold 84sqm)
- Plot 13-17:
- Plot 13 (Flat 1): 2B2P (> threshold 61sqm)

¹¹ 3B4P = 3 no. bedrooms – 4 no. persons.

- Plot 14 (Flat 2): 1B2P (> threshold 50sqm)
- Plot 15 (Flat 3): 2B2P (> threshold 61sqm)
- Plot 16 (Flat 4): 1B2P (> threshold 50sqm)
- Plot 17 (Flat 5): 2B3P (= threshold 61sqm)
- Plot 18: 2B3P (> threshold 61sqm)
- Plot 19: 3B4P (> threshold 84sqm)
- Plot 20: 3B4P (> threshold 84sqm)
- Plot 21: 3B4P (> threshold 84sqm)
- Plot 22: 3B4P (> threshold 84sqm)
- Plot 23: 4B6P (> threshold 106sqm)
- Plot 24: 4B6P (> threshold 106sqm)
- Plot 25: 4B6P (> threshold 106sqm), not including home office or study as they are below 7.5sqm.

14.5.2 Therefore, the proposed dwellings and flats have GIAs that do not fall below the minimum thresholds of the NDSS, and as such, the proposed units offer appropriate living accommodation for their future occupants, by way of providing adequate floor space, to the benefit of their residential amenity. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.3 In terms of amenity (garden) space, following minor revisions, the proposed plots have the following garden areas:

- Plot 1: 127.1 sqm of rear garden
- Plot 2: 113.1 sqm
- Plot 3: 119.4 sqm
- Plot 4: 104.7 sqm
- Plot 5: 134.8 sqm
- Plot 6: 106.1 sqm
- Plot 7: 105.4 sqm
- Plot 8: 212.1 sqm
- Plot 9: 138.6 sqm
- Plot 10: 144.5 sqm
- Plot 11: 101.9 sqm
- Plot 12: 110.1 sqm
- Plots 13 – 17: 173.9 sqm (flats)
- Plot 18: 111 sqm
- Plot 19: 101.1 sqm
- Plot 20: 103.2 sqm
- Plot 21: 101 sqm
- Plot 22: 100.8 sqm
- Plot 23: 100.8 sqm
- Plot 24: 100.1 sqm
- Plot 25: 154.9 sqm.

14.5.4 Considering the above and in comparison to the minimum thresholds set out in the Essex Design Guide, the proposed units would have adequate gardens (or communal garden in the case of the proposed block of flats)

that would satisfy the Essex Design Guide. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.5 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, notwithstanding the concerns raised by neighbouring occupiers, the Environmental Health officer raised **no objections** subject to conditions (see also Section 6). The condition refers to noise controls on air source heat pumps. It should be noted also that a condition for a Construction Method Statement and other conditions were recommended by Environmental Health at the outline stage and remain relevant. In any case, a condition to control the use of external lighting in order to safeguard residential amenities within and outside the site is necessary.

14.5.6 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the following conclusions are drawn for the impact of the proposed development to the residential amenity of the neighbouring occupiers and for the impact on the future occupants of the proposed units in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.7 Potential overlooking and loss of privacy:
Notwithstanding the comments from neighbouring occupiers regarding the potential loss of privacy, the proposed development would not materially harm the residential amenity of any existing neighbouring occupiers.

- **Plots 1 and 9 / plots 3 and 10:**
 - Following revisions, back-to-back distances have exceeded the 25m threshold, and as such, actual and perceived overlooking between back-to-back habitable room windows at rear elevations would be eliminated.
- **Plot 18:**
 - Plot 18 is a bungalow but first-floor bedroom windows from the extant planning permission at the rear of Rowney House (UTT/22/1639/FUL) would be overlooking the private garden of plot 18. However, the distance between the front façade of the extant dwelling next door to the nearest corner of plot 18 would be 10.6m and views to the garden would be angled. Although the proposed green screening on the northern site boundary cannot be relied upon continuously due to health and season, the indirect views into the private garden of plot 18 would not materially harm the residential amenity of the future occupants of plot 18.
- **Plots 13-17:**
 - There are no windows at upper floor level facing north towards the dwelling approved in the extant permission under UTT/22/1639/FUL and the communal garden of plots 13-17 would remain private, as the extant unit to the back of Rowney House would have 2 no. small bedroom windows at first-floor level facing south towards the blank east elevation of plots 13-17.

- **Plot 8:**
 - There are no side facing windows at upper floor level in plot 8 and the location of Rowney House would exclude the possibility of a compromise in the residential amenity (privacy) of the existing or future occupants of those residential units.

14.5.8 Potential overshadowing and loss of light:
Following careful considerations of the objections submitted by neighbouring occupiers, due to their size, scale and position, the proposed buildings would not lead to material overshadowing of, and loss of light to, the private gardens or habitable room windows of any proposed, extant or existing properties that would harm the residential amenity of their occupiers.

14.5.9 Potential overbearing effects:
Given the appropriate gaps between the buildings and the position of plots 13-17 away from the northern site boundary, the scheme would not amount to an overbearing impact ('tunnelling effect' or 'sense of enclosure') that would harm the residential amenity of any neighbouring or prospected occupiers.

14.5.10 Overall, the proposal would not materially harm residential amenities of existing and future occupants and would comply with policy GEN2 of the Local Plan, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking

14.6.1 Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines '**access**' as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

14.6.2 From a highway and transportation perspective and notwithstanding the concerns raised by third parties, following revisions and the submission of additional information, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF. The conditions refer to the construction of the access, the surface treatment of the access, the provision of parking and turning areas and the provision of a 2m-wide footway along the western side of Thaxted Road. Conditions 4 (visibility splays), 5 (footway), 6 (improvements to passenger transport infrastructure), 7 (Construction Management Plan) and 8 (residential travel information pack) remain relevant as part of the outline permission.

14.6.3 The required parking spaces as per the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards

(2009), as well as the parking spaces proposed by the application, are as follows:

	Bedrooms	Required parking	Proposed parking	Test
Plot 1	3-bed	2	2	Yes
Plot 2	3-bed	2	2	Yes
Plot 3	3-bed	2	2	Yes
Plot 4	3-bed	2	2	Yes
Plot 5	3-bed	2	3	Yes
Plot 6	2-bed	2	2	Yes
Plot 7	2-bed	2	2	Yes
Plot 8	4-bed	3	3	Yes
Plot 9	4-bed	3	3	Yes
Plot 10	5-bed	3	3	Yes
Plot 11	3-bed	2	2	Yes
Plot 12	3-bed	2	2	Yes
Plot 13	2-bed	2	2	Yes
Plot 14	1-bed	1	1	Yes
Plot 15	2-bed	2	2	Yes
Plot 16	1-bed	1	1	Yes
Plot 17	2-bed	2	2	Yes
Plot 18	2-bed	2	2	Yes
Plot 19	3-bed	2	2	Yes
Plot 20	3-bed	2	2	Yes
Plot 21	2-bed	2	2	Yes
Plot 22	2-bed	2	2	Yes
Plot 23	4-bed	3	3	Yes
Plot 24	4-bed	3	3	Yes
Plot 25	4-bed	3	6	Yes

14.6.4 The total spaces for residents would be 48 no. parking spaces¹² of appropriate dimensions and the visitors' parking spaces would be 6 no. spaces. Notwithstanding the objections and concerns raised by neighbours, "*tandem parking is acceptable on-plot, within the curtilage of a dwelling but should be discouraged in areas which offer general access, e.g. parking courts*"¹³. Tandem parking has been successfully avoided in the parking court for plots 13-17 and would also allow a more flexible layout that focuses on the proposed dwellings and green infrastructure instead of being visually dominated by parking spaces. The proposed parking arrangements would comply with the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), as well as policy GEN8 of the Local Plan.

14.6.5 The proposed garages and cycle sheds provide appropriate numbers of cycle spaces in accordance with the requirements of the Essex County Council Parking Standards (2009).

14.7 E) Ecology

¹² Parking arrangements are shown in the Revised Proposed Site Plan; the Parking Plan should be considered out of date and superseded.

¹³ Essex County Council Parking Standards (2009), paragraph 3.4.22.

14.7.1 The Ecology officer raised **no objections** subject to a condition to secure biodiversity mitigation and enhancement measures, as well as to avoid any harm to protected and priority species and habitats. The development would accord with paragraphs 43, 174(d) and 180 of the NPPF, and policies GEN7 and ENV8 of the Local Plan. The condition refers to further surveys for mobile protected species, and as such, the concerns raised by third parties over the validity of the ecological data included in the application are addressed. In addition, condition 15 (action in accordance with appraisal recommendations), 16 (construction environmental plan), 17 (biodiversity enhancement strategy), 18 (landscape and ecological management plan) and 19 (lighting scheme) from the outline permission under UTT/20/0264/OP remain relevant. Natural England has **refrained** from commenting.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health officer raised **no objections** subject to a condition to protect human health and the environment. The development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to electric car chargers per unit as promoted by paragraph 107 of the NPPF. However, this has already been imposed as condition 9 in the outline permission (UTT/20/0264/OP) and shall not be repeated in the reserved matters permission. Condition 14 (potential land contamination) is also relevant from the outline permission.

14.9 G) Archaeology

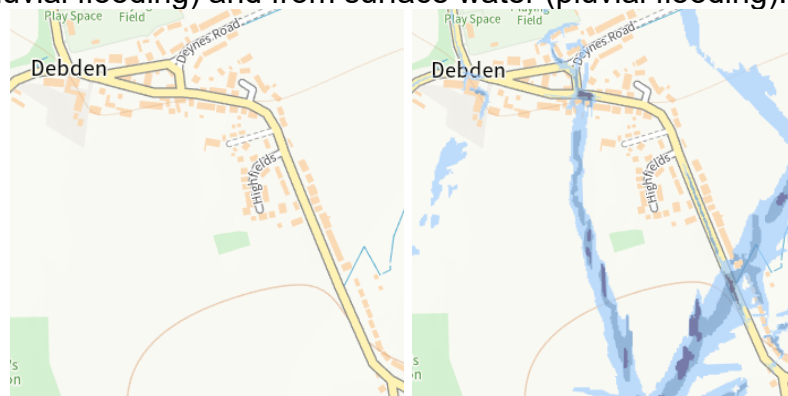
14.9.1 Archaeology reported that the proposed development "*lies within a potentially sensitive area of heritage assets*". The Archaeology officer raised **no objections** subject to conditions; however, the conditions refer to a programme of archaeological investigation through trial trenching followed by open area excavation, which has already been covered in condition 20 of the outline permission (UTT/20/0264/OP). The development would comply with paragraph 192(b) of the NPPF, and policy ENV4 of the Local Plan.

14.10 H) Flood risk and drainage

14.10.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary in such areas, making it safe for its lifetime without increasing flood risk elsewhere (see paragraphs 159-169 of the NPPF).

14.10.2 Although the site falls within Flood Zone 1, footnote 55 in paragraph 167 of the NPPF states that a site-specific Flood Risk Assessment (FRA) should accompany all proposals in Flood Zone 1 involving sites of 1 hectare or more; or land that may be subject to other sources of flooding,

where its development would introduce a more vulnerable use. These criteria apply on this occasion, and as such, an FRA was submitted with the application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding).



14.10.3 Paragraph 167 of the NPPF states, amongst other things, that development should only be allowed in areas at risk of flooding where, in the light of the site-specific flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

14.10.4 Following the submission of an updated FRA and additional flood risk information, Essex County Council (as the Lead Local Flood Authority, LLFA) raised **no objections** to the development as the information required by condition 10 in the outline permission under UTT/20/0264/OP have been submitted and agreed to. Condition 10 required the submission of 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 (along with other technical requirements). This surface water drainage scheme would prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site, ensure the effective operation of SuDS¹⁴ features over the lifetime of the development and provide mitigation of any environmental harm which may be caused to the local water environment. The LLFA support to the scheme means that it has been demonstrated that the proposed development would not increase flood risk on the site or elsewhere and that the operation of the proposed SuDS would be effective, in accordance with paragraph 167 of the NPPF and policy GEN3

¹⁴ Sustainable Urban Drainage Systems.

of the Local Plan. As such, notwithstanding the concerns raised by the Parish Council and neighbours, the proposal would not place an unacceptable risk to human lives and would not lead to property damages.

14.11 I) Housing mix and affordable housing

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings (being relevant on this occasion), requiring a significant proportion of market housing comprising small properties. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the Local Housing Needs Assessment (LHNA) Update (October 2023) prepared for the Draft Uttlesford Local Plan 2021 – 2041 (Regulation 18) recommends the following housing mix:

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	45%	25%	10%
Affordable housing (rented)	35%	35%	25%	5%

14.11.2 The proposed development would include the following housing mix:

	1-bed	2-bed	3-bed	4+-bed	Total
Market	-	-	9 (60%)	6 (40%)	15
Affordable shared ownership	-	-	3 (100%)	-	3 (30%)
Affordable rent	2 (29%)	4 (57%)	1 (14%)	-	7 (70%)
Total	2	4	13	6	25

14.11.3 The LHNA shows there is a particular need for 2-bed accommodation and for rented affordable housing to provide a range of different sizes of homes, including 30% of 3+ bedroom properties. However, this evidence has not yet been formally accepted by the LPA and holds limited weight. In any case, the Housing officer raised **no objections** to the proposed housing mix and affordable housing provision, as the affordable tenure split is 70% affordable rent and 30% shared ownership. The development would comply with policy H10 of the Local Plan.

14.11.4 The 40% affordable housing contribution is triggered as the site exceeds 0.5 hectare and the scheme comprises a 'major development'¹⁵. The

¹⁵ 'Major development' is defined in the NPPF Glossary (p.68): For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 sqm or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

application would provide 10 no. affordable units (40% of the total number of units) that has already been secured through the signed s106 agreement. Again, the Housing officer supports the affordable housing provision and mix that would be provided by the proposal. The development would comply with policy H9 of the Local Plan.

14.12 J) Other matters

14.12.1 The Safeguarding Authority for Stansted Airport have **no objections** subject to conditions to secure flight safety. The conditions refer to measures against light spill and the prevention of birds being attracted to the site.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The details of access, scale, appearance and layout are acceptable, as the proposed development would have limited impact on the character and appearance of the area and would safeguard the residential

amenities of existing and future occupants. The proposal would not compromise highway safety as agreed by the Highway Authority and would provide appropriate parking arrangements. The development would also be acceptable in terms of ecology and biodiversity. The detailed surface water drainage scheme has been assessed and accepted by the Lead Local Flood Authority.

- 16.2** The landscaping proposals submitted with the application would require further details which shall be conditioned.
- 16.3** Affordable housing, education contributions, a public open space and a village hall contribution have been secured through the signed section 106 agreement at the outline stage of the development. The housing mix and affordable housing provision and mix are also supported by the Housing officer.
- 16.4** The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme – the position has not changed following the grant of the outline permission (UTT/20/0264/OP). Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.
- 16.5** It is therefore recommended that the application be approved subject to conditions.

17. CONDITIONS

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

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

- 2** Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, and to ensure the development is visually attractive, in accordance with policies S7, GEN2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 3** Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including photographs) shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance details.

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

REASON: To preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 4** Prior to commencement of the development hereby approved, supplementary ecological surveys for badgers to inform the preparation and implementation of ecological mitigation measures required shall be submitted to and approved in writing by the local planning authority.

The supplementary ecological surveys for badgers shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Thereafter, the approved supplementary ecological surveys for badgers shall include ecological mitigation measures which shall be implemented prior to occupation of the development hereby approved as agreed in the Preliminary Ecological Appraisal (Skilled Ecology Ltd, Updated March 2019), or (if shown to be necessary by the approved supplementary ecological surveys for badgers) shall amend and update the ecological

mitigation measures which shall be implemented prior to occupation of the development hereby approved.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 5** Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The CMS shall also include protective measures for the protected tree under the Tree Preservation Order to front of Rowney House. Thereafter, the approved CMS shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities and to protect important environmental features of amenity value, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV3, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 6** Prior to any works above slab level, the energy and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development hereby approved shall not be occupied until all the approved energy and water efficiency measures have been implemented.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policy GEN2, as well as Uttlesford District Council's Interim Climate Change Planning Policy (2023) and the Uttlesford Climate Change Strategy 2021-2030.

- 7** Prior to occupation of the flats in plots 13 – 17, revised floor plans shall be submitted to and approved in writing by the local planning authority, showing a lift to serve all floors and flats within the approved building.

REASON: To improve accessibility and social inclusion for all potential users, in compliance with the adopted Uttlesford Local Plan Policy GEN2(c), and the National Planning Policy Framework (2023).

- 8** Prior to occupation of the development the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate

the swept path of all vehicles accessing the site for the intended purpose, to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. Thereafter, the access shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that safe, efficient, and improved accessibility is provided for all highway users in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 9** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, a 2-metre wide footway shall be provided along the western side of Thaxted Road to extend from the approved access to the south until it meets the existing footpath as shown in the Proposed Footpath Link drawing hereby approved (reference PL43). The footway shall include a pedestrian crossing point to connect to the existing footway on the eastern side of Thaxted Road. Thereafter, the footway and crossing point shall be retained as such at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 11** Prior to first use, 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. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 13** Any loss of hedge on the site's frontage and any gaps in the existing hedge on the site's frontage shall be replaced and/or filled with replanted native species mixed hedge at 3 no. subjects per metre run inclusive of existing.

REASON: To preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 14** If air source heat pumps are installed at the development, they must be specified, 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 the British Standard 4142:2014.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 15** Notwithstanding the provisions 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, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 16** No dust/smoke clouds and pools/ponds of water shall occur or be created on or above the site. No airborne debris shall be created on or blown from the site from any waste materials. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no reflective materials (such as solar panels) shall be added to the building without the express consent in writing by the local planning authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS (HIGHWAY AUTHORITY)

Your Ref: UTT/23/0878/DFO
Our Ref: 31506
Date: 22nd September 2023



Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/0878/DFO
Applicant Ford Homes Ltd
Site Location Land To The West Of Thaxted Road Debden Essex
Proposal Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance

SUPERSEDES PREVIOUS RECOMMENDATION ISSUED 11TH MAY 2023

Conditions 4, 5, 6, 7 and 8 of UTT/20/0264/OP provide details of visibility splays, footway provision, improvements to passenger transport infrastructure, construction management plan and Residential Travel information plan. As these Highway matters have been previously covered no further mention will be made in the current application but the above conditions remain relevant and applicable to the proposal.

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 measures:

1. Prior to occupation of the development the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, to the highway boundary and to the existing carriageway, and shall be provided with an appropriate dropped kerb vehicular

crossing of the highway verge. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety
3. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety
4. Prior to occupation of any dwelling, a 2-metre footway shall be provided along the western side Thaxted Road from the proposed access to the south, to extend along the site's frontage and to include a pedestrian crossing point to connect to the existing footway on the eastern side of Thaxted road.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Within the limits of the junction with Thaxted Road, the longitudinal gradient of the proposed access road should not be steeper than 2.5% within the first 15m as measured from the channel of the main road.
- v. 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.

- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the 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 as security in case of default.
- viii. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- ix. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding
- x. The development is not likely to be adopted by Essex County Council



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk

APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

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



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 9th August 2023
Our Ref: SUDS-006710
Your Ref: UTT/23/0878/DFO

Dear Avgerinos,

Consultation Response – UTT/23/0878/DFO – Land West of Thaxted Road, Debden

In response to your email of 04/08/23, I can find no record of having been re-consulted on the above application. However, I note the additional information submitted by the applicant which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy.

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 discharge of condition 10 of UTT/20/0264/OP.

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>

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.

While we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours faithfully,

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

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

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- **Sustainability of the development**

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

APPENDIX 3 – NATURAL ENGLAND

From: [SM-NE-Consultations \(NE\)](#)
To: [Planning](#)
Subject: [External] UTT/23/0878/DFO – Consultation response
Date: 14 April 2023 11:41:43
Attachments: [image001.png](#)
[ufm19 CONS - Consultee Letterm.pdf](#)

Dear Sir/Madam

Application ref: **UTT/23/0878/DFO**

Our ref: **428733**

Natural England has no comments to make on this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland, ancient and veteran trees](#) which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Loz Burrige

Natural England

Consultation Service

Hornbeam House

Crewe Business Park, Electra Way,

Crewe, Cheshire, CW1 6GJ

Enquiries line: 0300 060 3900

Email: consultations@naturalengland.org.uk

www.gov.uk/natural-england

Thriving Nature
for people and planet



APPENDIX 4 – SAFEGUARDING AUTHORITY FOR STANSTED AIRPORT



AERODROME SAFEGUARDING RESPONSE

Response under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002

APPLICATION DETAILS

Ref:

Local Planning Authority:	
UDC	
Application No:	Application Type:
UTT/23/0878/DFO	DFO
Development Proposal:	
Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance.	
Location:	OS Co-ordinates (Eastings/Northings):
Land To The West Of Thaxted Road Debden	555883 / 233121

As safeguarding authority for Stansted Airport our response, under the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, is as follows:

No Objection
 Crane Advisory Permit
 Need to engage with MAG Safeguarding
 Request Conditions
 Objection

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome s afeguarding criteria. We have no objection subject to the following conditions:

- During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur and measures taken to prevent scavenging of any detritus.

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 STN.

- 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.

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 in consultation with the aerodrome safeguarding authority for Stansted Airport.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN. An aviation perspective Glint and Glare assessment may be necessary.

Informatives:

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:
<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order ("Order"). In particular in contravention of the following provisions under that Order:-

Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Name: Diane Jackson - Authorised MAG Aerodrome Safeguarding Officer

Signed: 

Date: 06/04/2023

The appropriate office for the purpose of consultation is:

Head of Planning and Infrastructure
Enterprise House,
Bassingbourn Road,
Essex
CM24 1QW

[Email: aerodrome_safeguarding@stanstedairport.com](mailto:aerodrome_safeguarding@stanstedairport.com)