



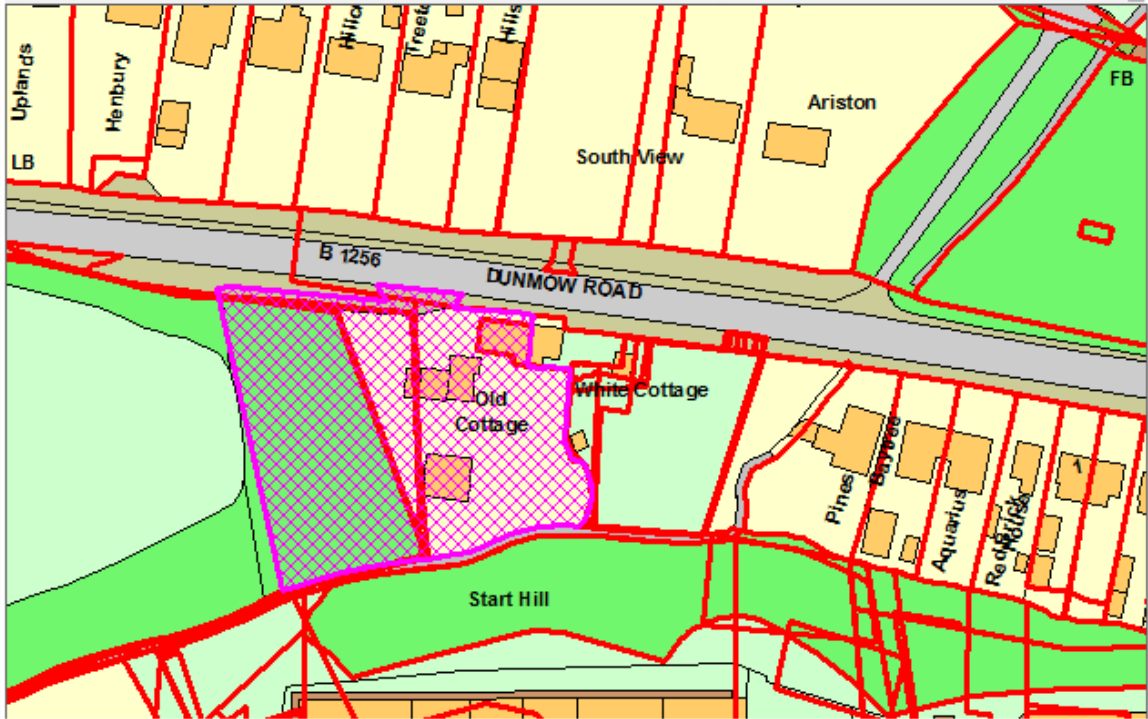
ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 07 February 2024

REFERENCE NUMBER: UTT/23/1950/FUL

LOCATION: Old Cottage, Start Hill, Stane Street, Great Hallingbury

SITE LOCATION PLAN:



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Organization: Uttlesford District Council Date: January 2024

PROPOSAL: Closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 dwellings.

APPLICANT: The Spartan Group Holdings Ltd and PMJ Services Ltd

AGENT: Bruce O'Brien - Aitchison Raffety Ltd

EXPIRY DATE: 26.09.2023

EOT Expiry Date 26.09.2023

CASE OFFICER: Matt Kolaszewski

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Within a small village and a proposal for over 5 dwellings

1. EXECUTIVE SUMMARY

- 1.1** This application seeks Full Planning Permission for the creation of 9 no. bungalows on the land, with associated works including landscaping, parking and access.
- 1.2** 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.
- 1.3** The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, weight has been accorded to the benefits of the development proposed.
- 1.4** The planning application was not subject to a pre application consultation with the Highway Authority. As a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of ‘Grampian style’ planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development.
- 1.5** 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 **APPROVE** permission subject to;
- A) CONDITIONS as set out in section 17

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site consists of approximately 0.3 hectares, is located to the south of Dunmow Road (B1256). There is a semi-detached dwelling

set back from the road in a north-eastern position within the site. There are other outbuildings scattered on the parcel of land.

3.2 A single vehicle crossover located along Dunmow Road (B1256) provides vehicle access to the site.

3.3 There are residential properties to the west of the site which are linear in form along the B1256. A nearby site to the west of the application site was granted planning permission under Planning Appeal Ref: APP/C1570/W/21/3268990 following the refusal of planning application LPA Ref: UTT/20/1098/FUL for the construction of 15 new dwellings including 6 affordable, vehicular access, parking and landscaping and other associated works.

3.4 Beyond the site, to the west along Dunmow Road is a petrol station, which also contains a convenience store. There are bus stops on both sides of the B1256 close to the site.

3.5 To the rear of the site (south) is a belt of protected trees and a brook.

4. PROPOSAL

4.1 The application seeks formal planning permission for the erection of nine dwellinghouses and the creation of a new access point from the highway following the closing-up of an existing access.

4.2 The site would include a mixture of dwellinghouses to include 3 x 4-bedroom houses, 1 x 2-bedroom house, and 5 x 3-bedroom dwellings. There is no requirement for affordable housing provision. Each dwelling shall have a minimum of two parking spaces. The site shall include two parking spaces for the host dwelling 'Old Cottage' and two visitor parking spaces. All 3 and 4 bedroomed dwellings have more than 100m² private amenity space, and the 2 bedroomed properties shall have more than 50m².

4.3 The proposed density would be 27 dwellings per hectare.

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/21/3339/FUL - Proposed erection of 7 no. dwellings including the closure of existing access, creation of new access and associated infrastructure. Permission granted on 28/06/2022.

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. However, no pre-app advice was sought or public engagement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection, subject to conditions

- 8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions. The access and highways proposals remain very much like those of the extant permission ref: UTT/21/3339/FUL.

9. Great Hallingbury Parish Council Comments – Object.

- 9.1 Resolved to object on the following grounds:

i) Plot by plot houses are being demolished and the land being slowly disappearing.

(ii) Start Hill is within the CPZ and is dramatically overdeveloping. Our Countryside (S7) and the Character (S8) of this area is being challenged by the development of small scale housing estates.

(iii) We see many issues arising from this. Great Hallingbury and Start Hill are suffering constantly low mains water pressure. Affinity water will not take responsibility and admit that the water supply in this area is compromised, yet we are seeing more and more developments being built. Our current residents are seeing low pressures at their taps, so low that their heating boilers won't ignite due to insufficient mains water pressure. With all these planning applications we never see any response from Affinity Water. They are not consulted but we anticipate a lame response. Thames Water are consulted but they are not responsible for our water supply. On the contrary they are responsible for mains drainage and yet most properties in our parish have their own cesspit/septic tanks. All the utilities have not increased to cope with a growing population. Unfortunately, we had a recent local house fire at 02:30 am, the fire brigade reported low mains pressure at the hydrant as they struggled to calm the flames.

(iv) We are not opposed to new developments per se, but we cannot continue to see our residents disadvantaged with the hindrance of poor utilities that we can only see being exasperated by more development.

(v) Also, the B1256 is a fast unlit and ever busier 40mph main road increasing occupancy in concentrated building developments is going to increase traffic and accidents from the number of vehicles pulling onto the Dunmow Road.

(vi) The ground of the access in this application slopes down dramatically and makes the access dangerous exiting the plot.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No Objection.

10.1.1 No concerns raised in relation to contamination and air quality. However following concerns raised regarding noise:

10.1.2 The service was asked for comment on application ref: UTT/21/3339/FUL, and the comments regarding noise remain the same. The NIA submitted in support of this application is largely similar to that submitted previously, and all mitigation measures remain the same. As such I have pasted previous comments below:

10.1.3 This Service has concerns regarding the proposed development and consider that it is not well suited for its proposed use. The proposed dwellings are close to Stanstead Airport and will be subject to high levels of aircraft noise as it is situated within the 66dB(A) day contour and 63dB(A) night contour provided by Stansted Airport.

10.1.4 The dB Consultation Ltd noise assessment Ref: 10699 provided with the application has proposed suitable building facade sound insulation and ventilation mitigation to ensure internal noise levels achieve national and local guideline standards but this can only be achieved with whole house ventilation and without opening windows. The report goes on to say that some internal noise levels may exceed the recommended maximum noise level criteria and would range from 40dB(A) to 54dB(A).

10.1.5 In addition, external amenity spaces will be subject to aircraft noise for significant periods of time, which are significantly above guideline levels. Aircraft noise cannot be mitigated so those external amenity noise levels will remain very high. There may be local requirements and demand for housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective. Should approval be granted, the following condition should be imposed:

10.1.6 The development hereby permitted shall be constructed in strict accordance with the construction details provided in Section 7 of the acoustic report submitted by dBC Consultation Ltd reference 10699 dated 11/07/2023. The building construction shall thereafter be retained as approved. None of the dwellings shall be occupied until such a

scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

10.2 UDC Landscape Officer

10.2.1 No Comments Received

10.3 Place Services (Archaeology) – No objection.

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

10.4 Place Services (Ecology) – No objection.

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

10.5 Place Services (Conservation and Heritage)

10.5.1 No Comments received

11. REPRESENTATIONS

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

11.2 Summary of Objections

11.2.1 None received.

12. MATERIAL CONSIDERATIONS

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

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

- a) The provisions of the development plan, so far as material to the application:
 - (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) Archaeology**
 - E) Access and Parking**
 - F) Nature Conservation**
 - G) Climate Change**
 - H Contamination & Noise**
 - I) Flooding**

14.3 A) Principle of development

14.3.1 Housing Delivery

14.3.2 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.

14.3.3 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities. 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. The principle of residential development on this site has already been accepted in the granting of extant planning permission ref: UTT/21/3339/FUL in 2022.

14.3.4 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. The proposed housing mix contains 3 x 4-bedroom houses, 1 x 2-bedroom house, and 5 x 3-bedroom dwellings. Two of the 3-bedroom dwellings are arranged as semi-detached pairs of dwellings, which should assist with affordability. Given this mix, the site complies with the requirements of Local Plan policy H10. There is no requirement for affordable housing provision.

14.3.5 Development Limits

14.3.6 An area of land that surrounds the boundary of Stansted Airport is a designated as a Countryside Protection Zone (CPZ). It is defined on the adopted Uttlesford Local Plan (2005) Proposals Map. The CPZ attracts its own policy requirements as stated within policy S8 of the Uttlesford Local Plan (2005). The intention of the CPZ is to provide a green 'lung' around Stansted Airport as a non-statutory 'mini-green belt' as described in the 2016 LUC study to preserve the zone from undesirable and incursive development. In 2016, Uttlesford District Council commissioned a 'Countryside Protection Zone Study' (LUC, 2016) which identified one area of the CPZ as 'Parcel 1 - Tile Kiln Green'. The site lies within 'Parcel 1'. Local Plan policy S8 relates to CPZ protection, and the study sought to test the robustness of the policy and to identify land which should be retained within the zone due to the contribution made to the zone in terms of various defined purposes.

14.3.7 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.

14.3.8 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.

14.3.9 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.

14.3.10 As note elsewhere in this report, the site already benefits from a planning permission for 7 houses (ref: UTT/21/3339/FUL). The current proposal seeks to increase this to 9 units by reconfiguring the development. The principle of residential development has been accepted in this context. It is considered that the addition of 2 houses does not have a bearing in this regard and therefore the application is considered acceptable.

14.3.11 Suitability and Location

14.3.12 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.

14.3.13 Although outside the settlement boundaries of Great Hallingbury, 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.

14.3.14 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.

14.3.15 NPPF Policy Position

14.3.16 The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14, this figure does not include the necessary 20% buffer. 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.

14.3.17 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.

- 14.3.18** 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.
- 14.3.19** 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** Given the location of the site, Local Plan Policy S7 (The Countryside) applies as a material and relevant consideration in the planning balance. 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** Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the 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.
- 14.4.3** However, the weight attributed to S7 is limited due to its more restrictive approach when compared to the supportive ethos of the Framework which recognises that community needs are important and that inaccessible sites may have to be used to meet such needs and that development may have to take place in rural areas to ‘maintain the vitality of rural communities’.
- 14.4.4** It is also a material consideration that the wider development of the site has an extant planning permission for 7 dwellings and that the proposed development would provide a modest uplift of two dwellings to nine dwellings.
- 14.4.5** The matter turns then to whether the inclusion of a further two dwellings on the site would cause significant harm to the character and appearance of the rural site, above and beyond any harm that may be caused by the extant permission.
- 14.4.6** It is considered that the increase in built form would not be significant and the developed would retain its previously approved character, which has been found to be commensurate with the rural surrounds. The site has enough space to include nine dwellings within the layout and any

pressures by way of over-development are not recognised. The scheme would provide adequate amenity and parking provision and communal circulation areas. The proposed dwellings would be of sympathetic and traditional forms and materials.

14.4.7 The proposal of 9 dwellings would result in the introduction of built form where there is none currently. 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

14.5.1 Design

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

14.5.3 The proposed layout demonstrates adequate space between dwellings. Furthermore, the proposed scheme consists of a mix of detached and semi-detached dwellings that shall have variations in scale, design, and materials. Each of the new homes will be with at least one EVC point.

14.5.4 Paragraph 130 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings; Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

14.5.5 The proposed development has been designed so that there would be no material detrimental impact on the living conditions of the occupants and future occupants of dwellings on the site or those nearby, by way of overlooking, overshadowing or overbearing impact; the layout, scale and design of the proposed dwellings are appropriate for this site and the proposal complies with national and local amenity policy criteria.

14.5.6 The materials to be used within the proposed dwellings shall comprise combinations of red brick walls and plinths, render and weatherboard walls and grey and red roof tiles. Fenestration would be UPVC or composite. The architectural forms to be used would be traditional and congruent with the area. The spacing between dwellings and the orientation of each dwelling would form a layout that is functional and

aesthetically acceptable; there would be no harm caused to residential amenity by way of the development.

14.5.7 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposal would not result in a material detrimental impact on the living conditions of the occupants and future occupants of dwellings on the site or those nearby, by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide. The layout, scale and design of the proposed dwellings are appropriate for this site and the proposal would comply with the broader aims of Paragraphs 130, and 174 of the NPPF (2021) and Local Plan policies H10 and GEN2.

14.5.8 Neighbouring Amenity

14.5.9 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.

14.5.10 The proposal would not result in a material detrimental impact on the living conditions of the occupants and future occupants of dwellings on the site or those nearby, by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide. As such, and given the low-lying nature of the proposed development, we do not anticipate any degree of overshadowing or overlooking to neighbouring residents, to accord with Policy GEN2 of the Local Plan.

14.6 **D) Archaeology**

14.6.1 Archaeology

14.6.2 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.

14.6.3 The previous application at the site (for 7 dwellings) was assessed by County Council Archaeologists. It was found that the Historic Environment Record indicated that the development site is immediately adjacent to the main Roman Road from Colchester to Braughing (EHER

4697). Therefore, it was decided that there is potential at the site for there to be a roadside settlement of either a Roman and or a Medieval date. Other sites excavated on the edge of this road have produced evidence comprising both field systems and settlement evidence from these times.

14.6.4 To the northeast of the development area medieval occupation (EHER 6722) was identified during development of the airport. In a recent investigation immediately to the east, medieval and post medieval pottery has been excavated (EHER49531). There is the potential for surviving Roman, medieval, and post medieval archaeological deposits.

14.6.5 It was concluded by the Council that conditions for trial trenching, a written scheme of investigation and open area excavation were imposed on the decision of LPA Ref: UTT/21/3339/FUL.

14.6.6 Subsequently, a written scheme of investigation was submitted to the Council, archaeological fieldwork investigations were undertaken at the site, and the subsequent report of findings was produced. After a series of trial trenches were dug, no archaeological deposits of any historic value were discovered in this location and no further investigations were found to be required.

14.6.7 Therefore, because of the decision to grant discharge of condition application LPA Ref: UTT/22/3336/DOC, archaeological condition (3) of LPA Ref: UTT/21/3339/FUL was fully discharged. There have been no material changes to the development scheme that would alter the previous decision to discharge the archaeology condition (3) of LPA Ref: UTT/21/3339/FUL and it is considered that it would be onerous for the Council to impose such a condition again, were this application to be approved.

14.6.8 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) Access and Parking

14.7.1 Access

14.7.2 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.

14.7.3 The extant permission at the site, granted under LPA Ref: UTT/21/3339/FUL, included the formation of a new vehicular access

from the main highway; the existing access onto the B1256 would be closed. Essex County Council Highways Authority assessed the proposed scheme and decided that the application was acceptable subject to conditions to ensure adequate visibility splays, access layout, footpath reinstatement, parking provision, surface treatments, travel pack submission and a Construction Management Plan.

14.7.4 There are no material changes to the access arrangements, other than a change in design of the internal roadway, between the extant permission and the proposed application. Given this, the application meets the requirements of Local Plan policy GEN1. The proposed development comprises a mixture of two, three- and four-bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.

14.7.5 Each of the proposed dwellings would be able to meet the required parking standards and two visitors parking spaces would also be provided. Given the above parking provision, the proposed development complies with the requirements of Local Plan policy GEN8.

14.7.6 Consequently, extra details have been submitted to overcome the reason for refusal from the highways department. The highways department have stated 'as a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of 'Grampian style' planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development.'

14.7.7 As a result of the planning conditions and the extra information provided, (carriageway and kerb radii measurements, lorry swept path and visibility splays). Subject to conditions, the impact of the proposal is acceptable to the Highway Authority.

14.8 F) Nature Conservation

14.8.1 Nature Conservation

14.8.2 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

14.8.3 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

14.8.4 The proposed reasonable biodiversity enhancements including the installation of “Swift Boxes” underneath the eaves of newly constructed buildings and Generic bird boxes such as 26mm / 32mm and oval hole nest boxes. Bird boxes should be positioned on 20% of the proposed residential units.

14.9 G) Climate Change

14.9.1 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.

14.9.2 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.

14.9.3 Building elements with highest standard ‘A+’ Green Guide ratings including upper floors, external cavity walls, internal partitions, insulation and pitched roof. Material suppliers with responsible sourcing certification guided by a high-quality sustainable procurement policy; Provision of EV charging to all plots. Use of PV to achieve the efficiency levels required under Part L 2021.

14.10 H) Contamination & Noise

14.10.1 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.

14.10.2 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.

- 14.10.3** Given the proximity of the site to Stansted Airport, and the need for the proposed development to comply with the requirements of Local Plan policy ENV10 (Noise Sensitive Development and Disturbance from Aircraft), a noise assessment is provided to demonstrate adequate noise mitigation for the future occupants of the site.
- 14.10.4** Suitable building facade sound insulation and ventilation mitigation shall be used to ensure internal noise levels achieve national and local guideline standards, but this can only be achieved with whole house ventilation and without opening windows; however, some internal noise levels may exceed the recommended maximum noise level criteria and would range from 40dB(A) to 54dB(A).
- 14.10.5** Outdoor amenity spaces will be subject to unmitigated aircraft noise for intermittent periods of time. Given the above, and after assessment by Environmental Health Officers, the previous decision at the site (LPA Ref: UTT/21/3339/FUL) was granted with a condition (4) that construction of the dwellings shall be undertaken in accordance with the details provided in the acoustic report submitted with the application (dBC Consultation Ltd reference 10297 dated 17/09/2021).
- 14.10.6** BAA Aerodrome Safeguarding have raised an objection to the proposals based on the effect of aircraft noise on future residents. Whilst the objection is noted, the Council's Environmental Health team have stated that whilst there are noise concerns these can be mitigated with the addition of a planning condition. Furthermore, the principle of residential on this site has already been established and it is considered that the addition of just 2 dwellings justifies a refusal on these grounds.
- 14.10.7** An updated noise assessment report has been submitted alongside this application (dBC Consultation Ltd reference 10699 Rev 2 dated 03/07/2023) and the applicant is happy to accept a condition alike to condition (4) of LPA Ref: UTT/21/3339/FUL and intends to carry out the scheme with suitable noise mitigation construction methods.

14.11. I) Flooding

- 14.11.1** 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.
- 14.11.2** 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.

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

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** 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.
- 16.4** 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.
- 16.5** The proposed access has been deemed satisfactory to the highway authority subject to conditions
- 16.6** 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.
- 16.7** 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. CONDITIONS

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

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

3 1. 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 by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. 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 identification and protection of important underground archaeological deposits.

4 The development hereby permitted shall be constructed in strict accordance with the construction details provided in Section 7 of the acoustic report submitted by dBC Consultation Ltd reference 10297 dated 17/09/2021. The building construction shall thereafter be retained as approved. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect the amenity of the future occupants of the dwellings.

5 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The remediation scheme shall be implemented in accordance with the approved timetable of works and prior to the commencement of development other than that required to carry out the remediation, unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out, including photos as proof of works undertaken) must be submitted to the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

6 Infrastructure for a minimum of a single electric vehicle fast charging point shall be installed at each of the dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

Reason: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework.

7 During construction robust measures must be taken to control dust and smoke clouds.

Reason: Flight safety - dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

During construction, robust measures to be taken to prevent birds being attracted to the site. No pools or puddling of water should occur and measures should be 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.

All exterior lighting to be capped at the horizontal with no upward light spill.

Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

No reflective materials to be used in the construction of these buildings.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be necessary.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

8 Foul water and Surface Water drainage shall be installed in accordance with the details within Flood Risk and Surface Water Management Report (2005260-03, November 2021).

Reason: In the interest of flood prevention and the safe discharge of effluent.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

Reason: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the NPPF and Uttlesford Local Plan Policy GEN2.

10 Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
- viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 of the Uttlesford Local Plan (adopted 2005).

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

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey (T4 Ecology Ltd., October 2021) 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).

13 A Great Crested Newt and Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt and Hazel Dormouse during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

14 Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Preliminary Ecological Appraisal Incorporating Bat Survey (T4 Ecology Ltd., October 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement 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 enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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

maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To 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).

16 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 98 metres to the west and 2.4 metres by 107 metres to the east with a 1 metre off-set, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. 2005260-001 Rev. E (Proposed Access and Visibility Plan, dated 04/04/2022). Such vehicular visibility splays shall be provided before the access 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 access and those in the existing public highway in the interest of highway safety.

17 Prior to occupation of the development, the provision of an access formed at right angles to B1256 Dunmow Road, to include but not limited to: minimum 6 metre carriageway width in combination with appropriate junction radii to accommodate the swept path of all vehicles regularly accessing the site and two 2 metre wide footways around the radius kerbs.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety.

18 Prior to occupation of any dwelling, the existing footway on B1256 Dunmow Road along the site frontage shall be reinstated to its former width, by removal of encroaching mud and vegetation, and make remedial repairs where deemed necessary by the Highway Authority.

Reason: In the interests of accessibility and pedestrian safety.

19 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

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

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

22 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 and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. 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.

23 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.

24 All first floor side facing windows shall be obscure glazed to a minimum of Pilkington Level 4 and fixed shut below 1.7m from finished floor level.

Reason: To protect the privacy of the future occupants of the dwellinghouses.

25 The garage building as shown on Plot 5 shall be used for the purposes of vehicle parking only and shall be retained for this purpose thereafter.

Reason: To ensure adequate parking provision in line with Local Plan policy GEN8.

26 Prior to slab level, the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).