



ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 01 May 2024

REFERENCE NUMBER: UTT/24/0585/FUL

LOCATION: Old Cottage
Start Hill
Stane Street
Great Hallingbury

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 010018688
Organisation: Uttlesford District Council Date: 15 April 2024

PROPOSAL: Closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 no. dwellings.

APPLICANT: Mr C and P Huber and O'Sullivan (The Spartan Group Holdings Ltd and PMJ Services Ltd)

AGENT: Mr J Bell (J Bell Design & Conservation Ltd)

EXPIRY DATE: 30 April 2024

EOT EXPIRY DATE: 06 May 2024

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Within Countryside Protection Zone.
Within Archaeological Site.
Road Classification (Dunmow Road/Start Hill – B Road).
Within 2km of SSSI.
Within 250m of Landfill Site.
Within 6km of Stansted Airport.
Within 57dB 16hour LEQ.
Within 250m of Local Wildlife Site (Fritch Way).

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Driscoll).

1. EXECUTIVE SUMMARY

- 1.1** This a full planning application for the closure of the existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 no. dwellings.
- 1.2** The development site is located outside development limits within the countryside and the Countryside Protection Zone (CPZ) around Stansted Airport. As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.
- 1.3** The planning balance under paragraph 11(d)(ii) of the NPPF is in favour of the proposal. The proposed development would not harm the character

and appearance of the area and would preserve the Countryside Protection Zone over and above the extant planning permission for 7 no. dwellings ('see planning history').

- 1.4 It has been concluded that the benefits of the development would significantly and demonstrably outweigh the adverse effects, and thereby the application should be approved subject to conditions. No adverse effects have been identified given the fallback position.

2. **RECOMMENDATION**

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

A) Conditions.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises land with scattered outbuildings formerly in relation to the semi-detached dwellings of Old Cottage and White Cottage, located to the south of Dunmow Road (B1256) across the development limits in Start Hill. A single vehicle crossover provides access to the site. There are existing residential properties across the road to the north, as well as dwellings to the east and a recent planning permission granted on appeal for 3 no. dwellings. To the west land has an extant planning permission granted on appeal for 15 no. dwellings (that has commenced). The southern site boundary is adjacent to a protected tree belt (Tree Preservation Order) and a brook with employment land and commercial uses further south. 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 road close to the site. The overall area is one of semi-rural character with dwellings and other buildings of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

- 4.1 This a full planning application for the closure of the existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 no. dwellings. The application does not propose any affordable units.

- 4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Arboricultural impact assessment
- Ecology statement
- Environmental noise assessment
- Flood risk statement and drainage strategy
- Planning statement

- Speed measurement data report
- Transport statement
- Applicant's comments
- Covering letter
- Response to Ecology.

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/24/0705/DOC	Application to discharge condition 22 (CMP) of UTT/21/3339/F UL.	Pending consideration.
UTT/23/1950/FUL	Closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 dwellings.	Refused (09.02.2024) – 1. The proposed development is unacceptable by reason of its size, scale, design and layout resulting in over development of the site through reduced garden sizes, lack of green space and a poor parking layout to the detriment of the residential amenity contrary to Local Plan Policies GEN2, Essex Design Guide, Essex Parking Standards (2009), Uttlesford Residential Parking Standards (2013) and the NPPF.
UTT/22/3528/NMA	Non-material amendment to UTT/21/3339/F UL- Adjustment of site boundary in the vicinity of plot 1.	Approved (20.01.2023).
UTT/22/3336/DOC	Application to discharge conditions 3 (archaeology), 5 (contamination),	Discharged in full (08.02.2023).

	12, 13 and 14 (ecology) attached to UTT/21/3339/FUL.	
UTT/21/3339/FUL	Proposed erection of 7 no. dwellings including the closure of existing access, creation of new access and associated infrastructure.	Approved with conditions (28.06.2022). Extant permission until 28 June 2025.

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 application. No statement of community involvement has been submitted prior to the submission of this application however, this is a non-major application.

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 National Highways

8.2.1 No objections unconditionally (see full response in Appendix 2).

8.3 Historic England

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

9. PARISH COUNCIL COMMENTS

9.1 The following comments were received:

- **Object:**
 - Start Hill is becoming overdeveloped.
 - Impact on the Countryside Protection Zone.
 - Impact on the countryside.

- Small scale housing estates.
- Infrastructure pressures (water).
- Poor utilities and risk for emergency services.
- Highway safety concerns.
- Fast, unlit and busy B road.
- Changing ground levels.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 Place Services (Ecology)

10.2.1 No objections subject to conditions.

10.3 Place Services (Archaeology)

10.3.1 No objections unconditionally.

10.4 Safeguarding Authority for Stansted Airport

10.4.1 No objections subject to conditions.

10.5 National Air Traffic Services (NATS)

10.5.1 No objections unconditionally.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties (period for comments closes 1 May 2024).

11.2 Support

11.2.1 No comments of support were received.

11.3 Object

11.3.1 Cllr Driscoll wrote:

- Call-In request if recommended for approval:
 - Overdevelopment of site.
 - Highway safety concerns.
 - Insufficient parking / insufficient visitors' parking.
 - Mixed land uses in the area.
 - Lack of services and facilities.
 - Reliance on cars.
 - Inaccuracies in submissions.
 - 14 no. houses under construction to the west.

- No relevant changes in comparison to refused application.

11.3.2 The following comments were received by the public:

- **Object:**
 - Old Cottage not in the ownership of the applicants.
 - The extant permission (7 no. dwellings) included drainage system.
 - The drains from Old Cottage and White Cottage must be connected to the drainage system of the new development (public health issue).
 - Inadequate foul water drainage system.
 - Extant permission (7 no. dwellings) included parking for Old Cottage.
 - The proposal doesn't include parking for Old Cottage.
 - Insufficient parking to accommodate more dwellings.
 - Septic tank in Old Cottage's garden has worked satisfactorily.
 - Site clearance – outflow from septic tank surfaced (odours, insects).
 - Health and environmental concerns (garden use).
 - Plot 7 over the existing septic tank.
 - Slope of the site is being levelled.
 - Plot 7 to be elevated.
 - Overbearing effects.
 - Loss of light and overshadowing.
 - Overdevelopment of site.
 - Parking concerns.
 - Loss of green views.
 - Highway safety concerns.
 - Speed limit must be reduced / traffic calming necessary.
 - Inappropriate density.
 - Value of retaining green spaces.
 - Harm to character and appearance (countryside).
 - Air pollution and other disturbances.

11.4 **Comment**

11.4.1 All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues are civil matters beyond planning.

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 and Quendon and 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 (December 2023).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S8	Countryside Protection Zone
	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H10	Housing Mix
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV10	Noise Sensitive Development
	ENV11	Noise Generators
	ENV12	Protection of Water Resources

ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Neighbourhood Plan

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
 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 / character and appearance (S7, S8, GEN1, GEN2, ENV3, NPPF)**
 - B Housing mix / Climate change (H10, GEN2, ENV3, SPD Accessible Homes & Playspace, Interim Climate Change Planning Policy, Essex Design Guide, NPPF)**
 - C Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)**
 - D Access and parking (GEN1, GEN8, parking standards, NPPF)**
 - E Ecology (GEN7, ENV8, NPPF)**
 - F Contamination (ENV14, ENV12, ENV13, NPPF)**
 - G Archaeology (ENV4, NPPF)**
 - H Flood risk and drainage (GEN3, NPPF)**
 - I Other matters**

14.3 **A) Principle of development / character and appearance (S7, S8, GEN1, GEN2, ENV3, NPPF)**

14.3.1 Housing land supply:

The local planning authority (LPA) cannot demonstrate a 5 year housing land supply (5YHLS) with a 20% buffer. By virtue of paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the 5YHLS. Paragraph 11(d) of the NPPF must therefore be engaged, which would arguably be the case anyway as the LPA's Development Plan is not fully up to date.

14.3.2 Background:

Planning permission has been granted for 7 no. dwellings and access on the same site (LPA reference UTT/21/3339/FUL), which is extant until 28 June 2025. Despite this 'fallback position', another application for 9 no. dwellings, access, and demolition of the existing outbuildings (UTT/23/1950/FUL) was refused by the planning committee on 09

February 2024, overturning the officer's recommendation for approval. The application was refused on the grounds of its scale, design and layout resulting in overdevelopment of the site through reduced gardens, lack of green space and a poor parking layout, contrary to policy GEN2, parking standards, the Essex Design Guide, and the NPPF.

14.3.3 The key changes since the refused application (UTT/23/1950/FUL) include:

- Smaller application site (red line).
- Scale, layout and design changes:
 - Plots 2 and 3 rotated (front elevations facing south-east from north-east)
 - Plots 8, 9, 1 moved closer to the northern boundary
 - Plot 7 repositioned, redesigned and scaled down
 - Plot 4 repositioned
 - Omission of plot 4 and 7 garages
 - Increased garden spaces and shared green spaces
 - Additional visitors' parking spaces.
- Internal alterations.

14.3.4 The current scheme is also for 9 no. dwellings, access and demolition of the existing outbuildings. Notwithstanding the recent refusal (UTT/23/1950/FUL), by virtue of the fallback position (UTT/21/3339/FUL), the principle of the residential use of the application site is acceptable. However, the principle of the development will need to be assessed against any material change in circumstances since the latest decision, as well as the impact of any changes and the addition of 2 no. dwellings over and above the extant permission to the character and appearance of the countryside and the CPZ and other planning considerations.

14.3.5 The 5YHLS was reduced from 5.14 to 4.50 years in relation to UTT/23/1950/FUL but this not a significant change given that the planning balance under paragraph 11(d) of the NPPF was previously engaged anyway given that the Development Plan is not fully up-to-date. The sustainability credentials of the location remain the same as previously examined in UTT/23/1950/FUL and UTT/21/3339/FUL.

14.3.6 Character and appearance (CPZ, countryside):

Land that surrounds Stansted Airport is designated as Countryside Protection Zone (CPZ). Policy S8 of the Local Plan aims to provide an extra layer of protection on top of policy S7 (countryside), as this area around the airport is under development pressure. The LPA commissioned a 'Countryside Protection Zone Study' (2016) which identified parcels of the CPZ and tested them under its four purposes (protect openness; restrict spread of development; protect countryside; prevent coalescence). The application site lies within parcel 1 ('Tile Kiln Green') that scored 'medium' for its contribution to the first three purposes and 'low' for its contribution to the prevention of coalescence. The intention of the CPZ is to provide a green 'lung' around Stansted Airport as a non-statutory 'mini-green belt', as stated in the 2016 study.

- 14.3.7** Although the CPZ acts as ‘mini-green belt’, its status has limited backing in the NPPF and a number of recent appeal decisions have shown that it would be difficult to substantiate coalescence and/or harm to the open characteristics of the CPZ to the south of the A120 given the prominent physical presence of this infrastructure. Most importantly, recent appeal decisions have questioned the over-restrictive nature of policy S8 given that it goes beyond paragraph 180 of the NPPF as it seeks to protect land from housing, other than required for the rural area. Therefore, policy S8 of the Local Plan is afforded limited-to-moderate weight.
- 14.3.8** The local character contains a semi-rural setting because “*The pattern of existing development along Dunmow Road together with the amount and speed of traffic using the road has largely compromised the area’s ‘rural characteristics’*”¹. The local sense of openness is limited given the presence of a protected tree belt to the southern boundary (Tree Preservation Order) with sizeable commercial buildings further south, as well as a tree row and residential properties across the road to the north. To the east of the application site there is an extant planning permission for 3 no. dwellings (UTT/22/1719/FUL) and to the west another extant planning permission for 15 no. dwellings that has commenced on the neighbouring site. The site, by reason of its limited openness, its position with built form on all sides, and its domestic appearance (given the presence of outbuildings), makes a limited contribution to the character and appearance of the CPZ and the countryside.
- 14.3.9** The proposed layout would demonstrate adequate spaces between dwellings with a mix of detached and semi-detached dwellings that shall vary in scale, design, and materials. The design, appearance and layout of the proposed dwellings would be compatible with those of the surrounding buildings, are visually attractive and sympathetic to the local character, including the surrounding built environment and landscape setting.
- 14.3.10** The footprint of the proposed built form has been reduced by 12% in comparison to the refused scheme (UTT/23/1950/FUL) and increased by 19% in relation to the footprint of the buildings as approved in the extant permission (UTT/21/3339/FUL)². Considering the addition of 2 no.

¹ APP/C1570/W/21/3268990 (UTT/20/1098/FUL), paragraph 10; for the construction of 15 no. new dwellings including 6 no. affordable, vehicular access, parking and landscaping and other associated works – Appeal allowed on 01 November 2021.

² **Footprint proposed:** plot 1 (98.6 sqm) + plots 2-3 (141.9) + plot 4 (101.3) + plots 5-6 (141.5) + plot 7 (93.7) + plots 8-9 (119.4) = **696.4 sqm (12% reduction to refused scheme, or 19% increase to extant scheme).**

Footprint (refused UTT/23/1950/FUL): plot 1 (98.6 sqm) + plots 2-3 (141.9) + plot 4 (101.3) + plots 5-6 (141.5) + plot 7 (101.8) + plots 8-9 (119.4) + garage for plot 4 (39.5) + garage for plot 7 (36.6) = **780.6 sqm.**

Footprint (extant UTT/21/3339/FUL): plot 1 (84.7 sqm) + plot 2 (69.5) + plot 3 (69.5) + plot 4 (84.3) + plot 5 (150.0) + plots 6-7 (126.7) = **584.7 sqm.**

dwellings and the revisions to the refused scheme, the proposed scale and footprint of the development is modest. Appropriately sized gardens can be provided for each dwelling (see Section 3), as well as parking spaces and turning areas, including visitors' parking (see Section 4). Therefore, the proposals would still preserve the character and appearance of the area over and above the impact of the 'fallback position' and would not amount to over-development nor compromise the four purposes of the CPZ (including preventing coalescence between the airport and the settlement pattern in the area). Consequently, the proposal, by reason of its location, use, scale, amount, design and layout, would accord with policies S8, S7, GEN1, GEN2, ENV3 of the Local Plan, and paragraphs 135 and 180(b) of the NPPF.

14.3.11 The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 180 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside. Applying paragraph 225 of the NPPF to the above, policy S7 should be afforded significant weight.

14.3.12 Permitted Development rights for extensions and outbuildings must be withdrawn to preserve the character and appearance of the CPZ and countryside, the openness of the CPZ, to avoid over-development of the site, and to safeguard residential amenities with appropriately sized gardens, in accordance with policies S8, S7, GEN2 of the Local Plan, and the NPPF.

14.3.13 Landscaping and other mitigation measures (such as the proposed green infrastructure, etc.) would further reduce impacts to the countryside and CPZ. However, existing and proposed green screening cannot be relied upon continuously as it can vary due to health, maturity, and season, and as such, careful consideration must be given to safeguard residential amenities between the future occupants of the proposed dwellings and between the future and neighbouring occupants in the area (see Section C).

14.3.14 Conclusion:
The planning balance under paragraph 11(d) of the NPPF would tilt in favour of the principle of the development (see Conclusions).

14.4 **B) Housing mix / Climate change (H10, GEN2, ENV3, SPD Accessible Homes & Playspace, Interim Climate Change Planning Policy, Essex Design Guide, NPPF)**

14.4.1 Heritage impacts:
There are no heritage assets in the vicinity that would be affected by the proposed development (given the distances and intervening buildings), in accordance with paragraph 208 of the NPPF, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and

policies ENV1, ENV2 of the Local Plan. Historic England refrained from commenting. As there would be no heritage harm, the heritage balancing exercise is not necessary.

14.4.2 Housing mix:

Policy H10 of the Local Plan is applicable on sites of 0.1 hectares and above or of 3 no. or more dwellings (being relevant on this occasion), requiring a significant proportion of market housing comprising small properties. In light of paragraph 63 of the NPPF, recent evidence in the Local Housing Needs Assessment (LHNA) Update (October 2023) prepared for the emerging Local Plan 2021 – 2041 (Reg18) recommends a 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. The proposed housing mix contains 2 x 2-bedroom dwellings, in compliance with policy H10 of the Local Plan. There is no requirement for affordable housing.

14.4.3 Climate change:

The sustainability measures proposed include electric vehicle charging points³. These energy efficiency measures would comply with the adopted Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy and section 14 of the NPPF.

14.5 C) Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)

14.5.1 The proposed units would have the following occupancies and gross internal areas (GIA) exceeding the minimum thresholds (see brackets)⁴:

- Plot 1: 4B6P including the study given its size (> 106 sqm of minimum GIA)
- Plot 2: 3B4P (> 84 sqm)
- Plot 3: 3B5P excluding the study given its size (> 93 sqm)
- Plot 4: 4B6P (> 106 sqm)
- Plot 5: 3B4P (> 84 sqm)
- Plot 6: 3B4P (> 84 sqm)
- Plot 7: 5B8P including the study given its size (> 128 sqm)
- Plot 8: 2B4P (> 79 sqm)
- Plot 9: 2B4P (> 79 sqm).

14.5.2 The proposal would have adequate gardens (100 or 50 sqm threshold, see Essex Design Guide) and no garden space would be materially lost for any neighbouring properties.

14.5.3 In terms of noise, odours, dust, vibrations, light pollution and other disturbances, Environmental Health raised no objections subject to conditions to safeguard residential amenities (see also Section F). The

³ See Proposed Site Plan.

⁴ See Technical Housing Standards – Nationally Described Space Standard.

conditions refer to construction impacts and a noise protection scheme to be implemented in accordance with section 7 of the acoustic report submitted with the application. Notwithstanding the previous objection from the Safeguarding Authority for Stansted Airport in UTT/23/1950/FUL based on the effect of aircraft noise on the residential amenity of future residents, the 'fallback position' for 7 no. dwellings would not justify a refusal on these grounds. The condition about the construction impacts shall be made prior to slab level as works have commenced on site in relation to the extant permission.

14.5.4 In terms of the amenity of neighbouring occupiers, due to the scale, design and position of the proposed bungalow in relation to the neighbouring dwellings, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, no material overshadowing, overlooking (actual or perceived) and overbearing effects are considered.

- Potential overlooking and loss of privacy:
The comments from neighbouring occupiers regarding potential loss of privacy and overlooking have been carefully considered.
 - Plot 1: following revisions, the south-facing bedroom 2 window was omitted as it would overlook the garden of plot 2.
 - Plot 2: the east-facing bedroom 3 window would be looking away from the private part of the garden of plot 9. Plots 14 and 15 of the extant planning permission (UTT/20/1098/FUL) would face towards plots 2 and 3 of the current application site at distances of 49.7m and 47.2m respectively to the western site boundary.
 - Plot 3: there are no upper floor windows that would overlook habitable room windows or gardens of other plots. The same conclusion applies here for plots 14 and 15 of the extant permission to the west of the site as above.
 - Plot 4: the bathroom and ensuite windows at first floor facing east will be conditioned as obscure-glazed and fixed shut. Plot 13 of the extant permission (UTT/20/1098/FUL) would face towards plot 4 at a distance of 35m to the western site boundary. Permitted Development rights for must be withdrawn to safeguard residential amenities by avoiding side facing windows at upper floor level given the position and orientation of the plots.
 - Plot 5: there are no upper floor windows that would overlook habitable room windows or gardens of other plots.
 - Plot 6: there are no side facing windows. The 25m rule of the Essex Design does not apply to back-to-back situations (as in plots 6 and 8/9). However, the bathroom window facing north would face plot 9's rear elevation from 24.2m away and bedroom 2 window from 22.7m away. Given these distances and the orientation of plot 6 looking away from plots 8/9 (at an angle of 20 degrees), no material overlooking is considered.
 - Plot 7: there are no north facing windows at upper floor. The position and orientation of Old Cottage and White Cottage

eliminate overlooking into the private garden of plot 7. The upper floor side facing windows face away from plot 6 or are non-habitable room windows towards the private garden of The Pines and plot 3 of the extant planning permission (UTT/22/1719/FUL). Plot 3 of this extant permission would not have side facing windows that belong to habitable rooms.

- Plot 8: there are no upper floor windows that would overlook habitable room windows or gardens of other plots.
- Plot 9: there are no upper floor windows that would overlook habitable room windows or gardens of other plots.

Therefore, the privacy of any neighbours and/or future occupants of the dwellings would be safeguarded. Extant permissions in the area have been considered.

- 14.5.5** • Potential overshadowing and loss of light:
Due to the scale, design and position of the proposed development, no material overshadowing of, and loss of light to, any private gardens or habitable room windows would occur that would harm the residential amenity of the neighbouring occupiers.
- 14.5.6** • Potential overbearing effects:
Notwithstanding the concerns raised by neighbours, given the gaps in relation to the neighbouring boundaries, no overbearing impacts ('tunnelling effect' or 'sense of enclosure') would occur.
- 14.5.7** Overall, the proposal would accord with policies GEN2, GEN4, GEN5, ENV10, ENV11 of the Local Plan, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking (GEN1, GEN8, parking standards, NPPF)

- 14.6.1** From a highway and transportation perspective, following review of the information and revised drawings, the Highway Authority raised no objections 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 115 and 114(b) of the NPPF. National Highways raised no objections unconditionally.
- 14.6.2** The conditions refer to visibility splays, the dimensions of the access, the reinstatement of the footway, closure of the existing access, provision of parking and turning areas, cycle parking, a residential travel information pack, a construction management plan, and the surface treatment of the access. With an additional consultation response, the Highway Authority clarified that the pre-commencement condition for the construction management plan can be made prior to slab level given that works commenced on site for the 7-unit scheme (even though not all conditions have been discharged for UTT/21/3339/FUL, including the construction management plan).

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	4-bed	3	3	Yes
Plot 2	3-bed	2	2	Yes
Plot 3	3-bed	2	2	Yes
Plot 4	4-bed	3	3	Yes
Plot 5	3-bed	2	2	Yes
Plot 6	3-bed	2	2	Yes
Plot 7	5-bed	3	3	Yes
Plot 8	2-bed	2	2	Yes
Plot 9	2-bed	2	2	Yes

14.6.4 The total parking would include 21 no. parking spaces and 4 no. visitors' parking spaces (all of appropriate dimensions 5.5 metres by 2.9 metres). Following revisions upon the case officer's request, the visitors' parking spaces on the western side of the site and two of the parking spaces of plot 7 have been moved slightly south to allow for the parking layout of plot 7 to be re-designed to ensure that there is an appropriate turning area (8m x 6m) for the three car spaces for this plot and for the visitors' spaces. Tandem parking would not visually dominate the layout of the development and would preserve the character and appearance of the area over and above the fallback position. The proposed parking arrangements would comply with the Uttlesford Residential Parking Standards (2013), the Essex County Council Parking Standards (2009), and policy GEN8 of the Local Plan.

14.7 E) Ecology (GEN7, ENV8, NPPF)

14.7.1 Place Services Ecology, following receipt of additional ecological information, raised no objections subject to conditions to secure ecological mitigation and enhancement measures. The development would comply with paragraphs 43, 180(d) and 186 of the NPPF, and policies GEN7, ENV8 of the Local Plan. The conditions refer to action in accordance with the appraisal recommendations, a Great Crested Newt method statement, a biodiversity enhancement layout and a wildlife sensitive lighting scheme.

14.8 F) Contamination (ENV14, ENV12, ENV13, NPPF)

14.8.1 Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to potential land contamination.

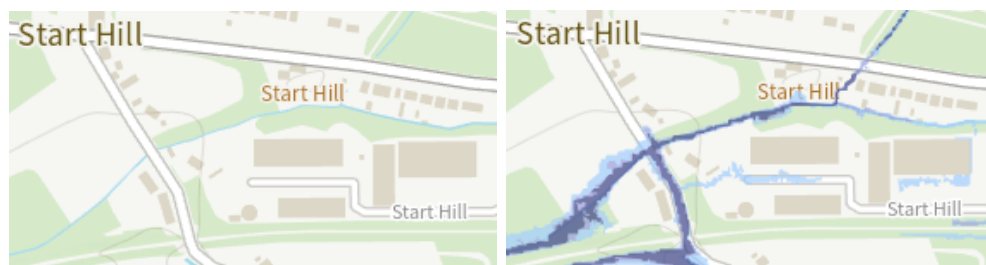
14.9 G) Archaeology (ENV4, NPPF)

14.9.1 Place Services Archaeology, following review of the archaeological fieldwork carried out as part of discharging conditions for the extant 7-unit scheme (UTT/21/3339/FUL, UTT/22/3336/DOC) raised no objections unconditionally in the interests of potential archaeological remains. The development would comply with policy ENV4 of the Local Plan, and the NPPF.

14.10 H) Flood risk and drainage (GEN3, NPPF)

14.10.1 The site falls within Flood Zone 1; footnote 59 in paragraph 173 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) does not apply as the development does not involve a site 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. As such, the Essex County Council (as the Lead Local Flood Authority, LLFA) and the Environment Agency have not been consulted for this application.

14.10.2 The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The application is accompanied by a Flood Risk Statement and Drainage Strategy (March 2024); like in the extant permission, the report states that both surface water runoff and foul water effluent (from a package treatment plant) would be discharged into an existing open watercourse to the south of the site. This would require consent from the LLFA and the Environment Agency that would be outside the scope of planning. Third parties have indicated that the extant scheme included a package treatment plant that would also serve Old Cottage and White Cottage and that the drains of those dwellings would need to be connected to the drainage system of the new development. However, the above issues are not material planning considerations. Drainage connections would be overseen by building regulations and with water companies. Notwithstanding the comments indicating otherwise, the proposal would comply with paragraph 173 of the NPPF, and policy GEN3 of the Local Plan.



Flood Maps

14.11 I) Other matters

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

site, a glint and glare assessment for any solar panels to be used, and measures to minimise and manage dust and smoke during construction. The National Air Traffic Services (NATS) raised no objections unconditionally.

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 planning balance in paragraph 11 of the NPPF tilts in favour of the principle of the scheme. The benefits include:

- 9 no. units to the 5YHLS – limited weight.
- Economic and social benefits – limited weight.
- Renewable technologies and construction measures – limited weight.
- Sustainability credentials / part reliance on private cars – significant weight.

16.2 The net contribution of 2 no. units (given the extant permission) to the 5YHLS would be a meaningful but rather limited public benefit arising from

the development, as it would make little difference to the overall supply of housing in the district.

- 16.3** The proposal would also provide a modest contribution towards the wider local economy during and post construction, as well as to the social vibrancy of the village. However, given the low number of units proposed, these public benefits would be limited to their extent.
- 16.4** The renewable technologies proposed as part of the development, including green infrastructure and sustainable construction measures, would also attract limited weight given the size of the scheme.
- 16.5** The location of the proposed development would not raise sustainability concerns as everyday services and facilities would be accessible through sustainable public transport. The sustainability credentials of the location are satisfactory, in line with the environmental strand of sustainable development (paragraph 8 of the NPPF); that should be attributed significant weight.
- 16.6** There are no adverse impacts associated with the development given that the proposals are assessed against the impact of the extant planning permission for 7 no. units (UTT/21/3339/FUL).
- 16.7** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

17. CONDITIONS

- 1** The development hereby permitted shall be begun before the expiration of three (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 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** Prior to any works above slab level, 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, S8, GEN2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 4** Prior to any works above slab level, details of all hard and soft landscaping 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 S8, S7, GEN2, GEN4, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 5** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, to preserve the character and appearance of the area and to safeguard appropriate levels of amenity spaces, in accordance with the adopted Uttlesford Local Plan Policy S7, S8, GEN2, and the National Planning Policy Framework (2023).

- 6** The bathroom and ensuite windows at first floor level of plot 4 facing east shall be obscure-glazed and fixed shut to all their parts below 1.8 metres from the first-floor level.

REASON: To safeguard the residential amenity (privacy) of occupiers, in accordance with the adopted Uttlesford Local Plan Policy GEN2, and the National Planning Policy Framework (2023).

- 7** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for each dwelling. Thereafter, the charging point shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with the National Planning Policy Framework (2023).

- 8** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

- 9** The development hereby permitted shall be constructed in strict accordance with the construction details provided in Section 7 of the Environmental Noise Assessment submitted (dBC Consultation Ltd, reference 10699, dated 11 July 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.

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

- 10** Prior to any works above slab level, 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. Thereafter, the approved CMS shall be adhered to throughout the construction period.

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).

- 11** Prior to first use, details of any external lighting to be installed on the site, including the design of the lighting units, 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** 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).

- 13** Prior to construction of any solar energy technology, an Aviation Perspective Glint and Glare Assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport. The assessment shall demonstrate no harmful impact to operations at Stansted Airport. There should be no predictions of Red or Yellow Glare.

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

- 14** Before, during and after the construction period (including demolition and excavation), no dust/smoke clouds nor pools/ponds of water shall occur or be created on, near or above the site and no airborne debris shall be created on or blown from the site from waste materials during or after the construction period, in accordance with the advice of Stansted Airport and the Civil Aviation 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).

- 15** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Statement (Aitchison Raffety). Thereafter, the enhancement measures and/or works shall be carried out in full accordance with the approved details and shall be maintained as such at all times.

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), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 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).

- 16** Prior to any works above slab level of the development hereby approved, a Great Crested Newt 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 Newts during the construction phase. Thereafter, the measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such at all times.

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).

- 17** Prior to any works above slab level, a Biodiversity Enhancement Layout for biodiversity enhancements recommended in the Bat Survey report (Essex Mammal Surveys, November 2022) shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Layout shall include:

- a) detailed designs or product descriptions for biodiversity enhancements;
- and
- b) locations for biodiversity enhancements on appropriate drawings.

Thereafter, the enhancement measures shall be implemented in accordance with the approved details prior to occupation of the development hereby approved and shall be retained in that manner thereafter.

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).

18 Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity in accordance with General Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained in accordance with the scheme at all times. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority.

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), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 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).

19 The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable

dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

- 20** Foul and surface water drainage shall be installed in accordance with the details within the Flood Risk Statement and Drainage Strategy (2304451-R01, March 2024) as described in section 5 and 6 of that strategy. The foul and surface water drainage shall be implemented prior to occupation of the development hereby approved and shall be retained in that manner at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent an increase in flood risk on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).

- 21** Prior to occupation of the development hereby approved, 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 drawing reference number 2304450 – D003 (Proposed Access and Visibility Plan). 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 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).

- 22** Prior to occupation of the development hereby approved, 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. 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 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 in the interest 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).

- 23** Prior to occupation of the development hereby approved, 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 remedial repairs where deemed necessary by the Highway Authority. Thereafter, the footway shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of accessibility and pedestrian 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).

- 24** Prior to first beneficial use of the new access, the existing access as shown on the proposed site plan (drawing reference number 2023-740-002 Rev B) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway/kerbing.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety and amenity, 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).

- 25** 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 and shall not be used other than for the benefit of the occupants of the dwellings hereby approved.

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).

- 26** Prior to occupation of the development hereby approved, cycle parking shall be provided in accordance with the Essex Planning Officers' Association parking standards. Thereafter, the cycle parking facilities shall be secure, convenient, covered and shall be retained as such at all times.

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

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with ULP Policies GEN1, GEN8 and with the Uttlesford Local Residential Parking Standards (2013), the Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 28** Prior to any works above slab level, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The approved CMP 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, 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).

- 29** 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).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/24/0585/FUL
Our Ref: 51954
Date: 12th April 2024



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/24/0585/FUL
Applicant Mr Craig and Patrick Huber and O'Sullivan
Site Location Old Cottage Start Hill Stane Street Great Hallingbury Bishops Stortford
Hertfordshire CM22 7TG
Proposal Closure of existing access and formation of new access from the highway.
Demolition of outbuildings and erection of 9 no. dwellings.

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 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. 2304450 – D003 (Proposed Access and Visibility Plan). 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.
2. 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.

3. 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.
4. The existing access as shown on the proposed site plan (DWG 2023-740-002 Rev B) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway /kerbing immediately the proposed new access is brought into first beneficial use. **Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

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. It is noted that there are changes in levels within the site. The junction gradient shall comply with guidance with Design Manual for Roads and Bridges.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The 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.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. 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.
- 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. 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.

F. Masnie

pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou

From: Eirini Spyratou - Strategic Development Officer
Sent: Monday, April 15, 2024 9:47 AM
To: Avgerinos Vlachos
Cc: Eirini Spyratou - Strategic Development Officer
Subject: [External] >> UTT/24/0585/FUL - Note regarding CMP condition

Dear Avgerinos,

Following up on our conversation, it is my understanding that the applicant has started the development works (demolition and drainage) under the previous planning permission UTT/21/3339/FUL **without** having discharged the CMP pre commencement condition relating to this application. As such they are in breach of their planning permission and appropriate action should be taken by UDC.

Nevertheless, this leaves us in a situation where the CMP pre commencement condition for UTT/24/0585/FUL will need to be amended to allow implementation. The Highway Authority is in agreement to change the wording of recommended condition no 8 from 'no development shall take place

Kind regards

Eirini Spyratou | Strategic Development Officer



SAFER / GREENER / HEALTHIER

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningEE@nationalhighways.co.uk

Signature: S. H.	Date: 26 March 2024
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to the above application UTT/24/0585/FUL and has been prepared by Shamsul Hoque.

Recommended No Objection

National Highways offer no objection.

Reason:

National Highways is responsible for the operation and maintenance of the M11 and the A120, close to the application site. The proposed development's vehicular access to the Site will be from the local road network.

We have completed our review of the details and information provided. Due to the scale and nature of the proposed development, there is unlikely to have any severe impact on the M11 and A120, part of the Strategic Road Network.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

APPENDIX 3 – HISTORIC ENGLAND



Mr Matt Kolaszewski
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582712

Our ref: **W**: P01574009

12 March 2024

Dear Mr Kolaszewski

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**OLD COTTAGE, START HILL, STANE STREET, GREAT HALLINGBURY, ESSEX
Application No. UTT/24/0585/FUL**

Thank you for your letter of 7 March 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Sally Harper
Business Officer
E-mail: sally.harper@HistoricEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU
Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.