

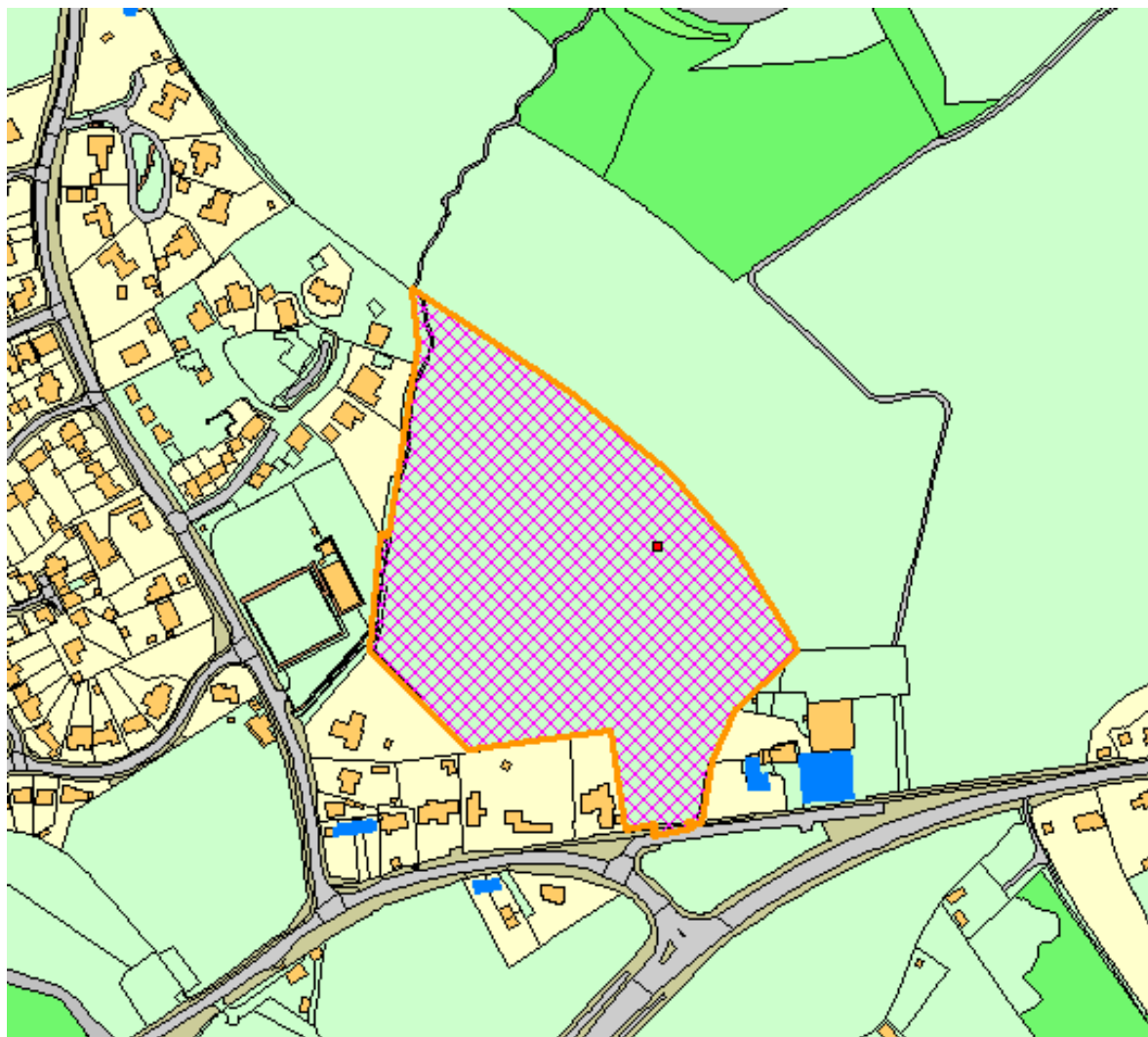
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 24 July 2024

**REFERENCE NUMBER:** UTT/24/0213/FUL

**LOCATION:** Land East Of St Edmunds Lane North Of Braintree Road, Dunmow

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: May 2023

**PROPOSAL:** Full planning application for 51 no. residential units (Class C3), new access from Braintree Road, landscaping and other associated works

**APPLICANT:** Mulberry Property Developments Ltd

**AGENT:** Icen Projects Ltd ( Ms Hannah Young)

**EXPIRY DATE:** 3 May 2024

**EOT Expiry Date** 1 August 2024

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits (ULP) / Outside Town Development Area (GDNP)

Within Groundwater Source Protection Zone 2

Archaeological Site – 1301

Within 250m of Landfill Site

Public Right of Way – Footpath (Great Dunmow)

Within 100m of Local Wildlife Site – Ufd250 (W154, W155, W158, M12 (MERKS HALL)

Within 250m of Local Wildlife Site – Ufd250 (W154, W155, W158, M12 (MERKS HALL)

Within 250m of Ancient Woodland – (MERKSHALL WOOD, GREAT DUNMOW)

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

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## 1. EXECUTIVE SUMMARY

1.1 This application seek planning permission for 51 dwellings, new access from Braintree Road, landscaping and other associated works. This follows extant planning permission on this site for the proposed erection of 32 no. self-build and custom build dwellings. This application therefore seeks to provide for an alternative form of development to come forwards on this site, which can support early delivery – helping to maintain

housing delivery in the District and to deliver much needed affordable housing.

- 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. The proposals would provide 20 affordable dwellings. Furthermore, weight has been given in respect to the biodiversity net gain and the provision of public open space. Thus, taken together, significant weight has been accorded to the benefits of the development proposed.
- 1.4** The proposal would result in less than substantial harm to the setting and significance of nearby heritage asset, however a heritage balance has been made and it is considered the public benefits of the development are not outweighed by the harm caused. In addition, it would result in a harmful impact upon the immediate landscape of the site, although this would be localised.
- 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 **GRANT** permission for the development subject to those items set out in section 17 of this report –

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

#### **And**

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

### **3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site is located on the east side of St Edmunds Lane, it comprises an irregular shaped grade 3 arable field (agriculture), consisting of 3.12 ha (stated), which lies to the southeast of the first phase of development.
- 3.2** This first phase was approved under LPA reference UTT/19/1508/FUL, for the erection of 22 custom/self-build dwellings and was subject to a Unilateral Undertaking, following the resolution of Uttlesford DC Planning Committee to approve the scheme at their meeting of the 06th May 2020.
- 3.3** A public footpath lies to the west of the application site and currently runs between the proposal site and the previously granted under UTT/19/1508/FUL.
- 3.4** An Archaeological Site lies to the north-eastern boundary of the site, to the southern boundary of the site there are 2 no. Grade II Listed Buildings consisting of 'Ford Farmhouse' and 'Ford Farm barns' located to the east of the proposed new access into the site.

### **4. PROPOSAL**

- 4.1** This planning application seeks full planning permission for 51 no. residential units (Class C3), new access from Braintree Road, landscaping and other associated works.
- 4.2** The density of the proposed development is 16 dwellings per ha gross. This low density is comparable to the local context.
- 4.3** The residential dwellings, which would largely be detached with some semi-detached dwellings and a short terrace, would predominately be orientated in a north-east / south-west direction. Residential dwellings within the locality are a mix of detached and semi-detached dwellings.
- 4.4** The residential dwellings would typically be set back from the streets to enable planting and allow separation from existing built form by either gardens and/or public open space. In addition, garages, where proposed, would be set back from the frontage of the residential dwellings and street scene.
- 4.5** The proposed housing would comprise of off-street car parking spaces to each unit. 40% of the total are to be affordable housing units.
- 4.6** The proposal would include areas of public open space to the southern, northern and western boundaries of the site, a children's play space.

### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The proposal amounts to “Schedule 2” development (10. Infrastructure Projects - (b) Urban development projects) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwelling-house development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development, and an environmental assessment is not required to assess the environmental impacts of the development.

6. **RELEVANT SITE HISTORY**

6.1

UTT/21/2719/FUL	Land North Of Braintree Road Dunmow	Proposed erection of 32 no. self build and custom build dwellings	Approved
UTT/19/1508/FUL	Land East Of St Edmunds Lane Dunmow  (adjoining site)	Construction of 22 Custom/ Self Build Dwellings (Revised Schemes to UTT/17/3623/DFO)	Approved
UTT/22/2035/FUL	Land East Of St Edmunds Lane Dunmow  (adjoining site)	Erection of 30 no. self-build and custom dwellings.	Approved subject to S106

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1

Formal Pre-application advice with the Local Planning Authority has not been undertaken on this application by the applicant. Both Mulberry and the previous agent for the Self Build permission, Pelham Structures, have informally discussed the proposals with the Planning Officer at UDC who dealt with the 32 Self build scheme. The principle of the proposed development was discussed.

- 7.2 Discussions have taken place with ECC PRoW team to confirm the proposed diversions of the two public footpaths through the Site and to confirm these proposals are acceptable.
- 7.3 Mulberry, along with Pelham Structures and the landowner met with Great Dunmow Town Council on 9 November 2023. The purpose of attending this meeting was to inform the Town Council of the proposals for the development and to explain why the landowner was not seeking to develop the site for self-build housing at this time. Mulberry presented the proposed scheme and answered Councillors' questions in relation to the proposed residential mix and approach to affordable housing, drainage and sustainability.
- 7.4 A leaflet has been circulated to local residents and businesses, totalling 151 properties (145 residential and 6 businesses), informing them of Mulberry's proposals and providing contact details for inquiries. To date 11 responses have been received. Engagement with the local community will continue throughout the planning application process.
- 7.5 Steps that have been taken to ensure that interested parties are familiar with the proposed development and have opportunities to ask the applicant team any questions
- 7.6 Full details of the applicant's engagement and consultation exercises conducted is discussed at section 2 within the submitted Planning Statement.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority – No Objection**

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

- Appropriate visibility splays
- Bus stop improvements,
- Provision of foot way along front of site,
- PROW Diversion Order,
- Financial contribution – bus services,
- Financial contribution- accident reduction scheme,
- Provision of parking spaces,
- Cycle parking,
- Construction Management Plan,
- Provision of Residential Travel Pack.

### **8.2 Local Flood Authority – No Objection**

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

- Submission and approval of surface water drainage scheme,
- Submission and approval of offsite drainage scheme,
- Maintenance details

### **8.3 Natural England- No Objection**

**8.3.1** No objection, to mitigate any adverse effects and make the development acceptable, the following mitigation measures should be secured through planning conditions:

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners;

AND EITHER

- The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to GI Standards ([naturalengland.org.uk](http://naturalengland.org.uk)))

OR

A signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW).

## **9. Great Dunmow Town Council Comments- Objection**

**9.1** Great Dunmow Town Council's Planning and Transport Committee wish to object to this application on the following grounds:

- Overdevelopment of the site
- The change from self-build and custom made dwellings to general development
- Inadequate water management and the anticipated impact consequentially elsewhere
- The location of the site being outside of the Neighbourhood Plan
- The need to reconfigure the culvert
- Visual impact relating to the public right of ways and loss of rural view

## **10. CONSULTEE RESPONSES**



**10.1 UDC Housing Enabling Officer – No Objection.**

**10.1.1** The application is for 51 properties including 20 affordable homes which meets the 40% affordable housing requirement.

**10.1.2** As there is extant planning approval for the site via UTT/21/2719/FUL there is no First Homes requirement.

**10.1.3** The proposed Affordable Rented housing mix meets the identified housing need within the LHNA 2023. For the shared ownership properties to meet the identified housing need it is recommended that the 6 shared ownership properties consist of 1 x 1 bed, 3 x 2 bed and 2 x 3 bed properties.

**10.2 UDC Environmental Health – No Objection.**

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

**10.3 UDC Heritage Officer- No Objections**

**10.3.1** The principle of the proposed development is acceptable based on former consented schemes for residential development on the Site. UDC (Heritage and Conservation) considers that the overall proposal would cause less than substantial harm to the setting of Ford Farmhouse and associated buildings, due to the historical relationship between the Site and the heritage assets. In my opinion, it is at the low end of the scale given the modern development and land use in proximity of the Site.

**10.4 ECC Infrastructure – No Objection subject to contributions.**

**10.4.1** A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 51 dwellings:

Early Year and Childcare- £82,168  
Primary Education- £273,893  
Secondary Education: £251,140  
Libraries: £3967.80

**10.5 NHS – No objection subject to contributions.**

**10.5.1** The proposed development would deliver 51 dwellings, Cost calculation of additional primary healthcare services arising from the development proposal includes:

Total GMS monies requested: 51 dwellings x £1,882 per dwelling = £95,982.00

**10.6 National Trust- Neither objecting to or supporting the Planning Application**

**10.6.1** For the proposed development we consider the following mitigation would be appropriate, this includes:

High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area).

A financial contribution of £7,650.00

**10.7 Aerodrome Safeguarding – No Objection.**

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

**10.8 Anglian Water – No objection.**

**10.8.1** Anglian Water have no objections.

**10.9 East of England Ambulance Service- No Objection.**

**10.9.1** This application for 51 dwelling development will generate another 128 residents and will generate an anticipated additional 28 calls per annum on already constrained ambulance services.

**10.9.2** The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £19,704 and are for the impact of this development only.

**10.10 Place Services (Ecology) – No objection.**

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

**10.11 Affinity Water- No comments**

**10.11.1** No comments to make on this application.

**10.12 UDC Urban Design Officer- No Objection.**

**10.12.1** The proposal is, in general terms, compatible with the surrounding buildings in terms of scale, massing, and form. With regards to layout, the proposal is a cul-de-sac type arrangement essentially forming a backland development behind the existing houses along St. Edmunds Lane and Braintree Road.

**10.12.2** The proposals are for a cul-de-sac type development accessed from a single point of entry and egress. The presence of two public rights of way offers an opportunity to promote active travel options from within the site. The scheme could be improved through a relocation of the public open space, including the play provision into the heart of the development which could provide an attractive route for the relocated public right of way.

**10.12.3** The use of a variety of house types is supported and the scheme layout is an improvement on the extant permission with a better relationship to the open countryside along the north-eastern edge of the site, with houses fronting this edge and a pedestrian footpath connecting to Great Dunmow 24 PROW.

**10.13 Essex Police- No Objection.**

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

**10.14 UDC Landscape Officer**

**10.14.1** The layout and general arrangements are considered acceptable. In the circumstances of planning permission being granted, fully detailed planting proposals should be required by condition to be submitted for approval. These details shall include species, planting size, hedging planting centres, and seed mixtures. A mixed native species hedge should be sought to be provided along the north-eastern boundary to delineate the development site from the countryside beyond.

**11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 87 notifications letters were sent to nearby properties. The application was also advertised in the local press.

**11.2 Summary of Objections**

- 11.2.1**
- The proposal will result in an increase in density,
  - The affordable housing should not be larger homes,
  - Increase in traffic movement,
  - Insufficient drainage scheme,
  - Lack of pre – consultation,
  - Increase in flooding,
  - Over development of the site,
  - Loss of countryside,
  - Light impact from car movements,
  - The proposed diversion of the PROW is impractical,
  - Insufficient tree planting,

- The location of the attenuation basin is close to dwellings,
- The submitted landscape and visual impact document is incorrect,
- The dwellings are not consistent with the character of the area,
- The site is outside of the neighbourhood plan and could set a precedent for further development,
- The access is not suitable for this scale of development,
- Lack of school places and doctor surgeries,
- Loss of habitat and wildlife,
- Introduction of street lighting,
- The location plan is incorrect,
- Insufficient ecology and biodiversity assessments,
- The site is close to an established woodland,
- Loss of a self- build development,
- Tree preservation adjacent plot 1,
- The layout of the dwellings are now close to the boundary of the site,
- The ground levels will result in loss of privacy,
- The proposal will have a major visual impact to the site and its surroundings,
- The area behind 8,10 and 12 Chaucers Road was to be left to pasture,
- Impact to the setting of nearby heritage assets,
- Loss of agricultural land.

### **Summary of Support**

- The proposal will support economic growth,
- Creation of employment,
- Need for housing in the local area

## **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 Great Dunmow Neighbourhood Plan (made December 2016)**

DS8 – Building for Life  
DS9 – Hedgerows  
Policy DS10 – Eaves Height  
DS11 - Rendering, Pargetting and Roofing  
DS12 - Integration of Affordable Housing  
DS13 – Local Housing Needs  
LSC1 - Landscape, Setting and Character  
NE3 - Street Trees on Development Sites  
NE4 - Screening  
GA1 - Core Footpath and Bridleway Network  
GA2 - Integrating Developments (Paths and Ways)  
GA3 - Public Transport  
DS1- Town Development Area  
LSC1- Landscape, Setting and Character  
LSC2- Important views  
LSC3- LSC3: The Chelmer Valley

### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Countryside Impact**
  - C) Design & Neighbouring Amenity**
  - D) Heritage impacts and Archaeology**
  - E) Affordable Housing Mix and Tenure**
  - F) Access and Parking**
  - G) Nature Conservation & Trees**
  - H) Climate Change**
  - I) Contamination**

**J) Flooding**  
**K) Planning Obligations**

**14.3 A) Principle of development**

**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, including affordable housing. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

**14.3.4** Development Limits

**14.3.5** Paragraph 82 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.

**14.3.6** 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.

**14.3.7** 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.

**14.3.8** A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than

positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. The proposal would be located to the east of St Edmunds Lane in an area which is agricultural land that is adjacent to residential development to the east. This would serve to offset the visual impact of the development on the landscape in wider views of the site. Whilst the proposal would have a limited and localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

#### **14.3.9**     Loss of Agricultural Land

**14.3.10**     Paragraph 174(b) of the Framework states “*Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*”.

**14.3.11**     Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.

**14.3.12**     Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

**14.3.13**     The policy is broadly consistent with the Framework which notes in paragraph 180(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 180 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

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



**14.3.15** Whilst there would be some conflict Policy ENV5, the site is consists of grade 3 – good quality agricultural land and therefore classified as best and most versatile land. Given the above and that the loss of BMV land as part of the application would only be approximately 3.12 hectares, this relatively small loss can only be afforded very limited weight in relation to the conflict with this policy. As such, there would be insufficient grounds to introduce such a reason for refusal on this basis as part of the current scheme. Therefore, the loss of agricultural land in this location is not considered to give rise to significant conflict with Policy ENV5 or paragraph 180b of the Framework, which would warrant refusing the application in its own right on this ground.

**13.3.16** Suitability and Location

**14.3.17** Paragraph 83 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.

**14.3.18** Although outside the settlement boundaries of Great Dunmow, the new built form would be constructed adjacent to the eastern boundary of the settlement and therefore the proposals provide a logical relationship with the existing settlement.

**14.3.19** 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.

**14.3.20** 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.

**14.3.21** NPPF Policy Position

**14.3.22** The LPA is unable to demonstrate a 5 year housing supply, to provide an update on this, in October 2023, the Local Planning Authority (LPA) published a 5YHLS figure of 5.14 years with the necessary 5% buffer. However, there is a more recent position that reflects the recent government update of the Housing Delivery Test (HDT). As a result of the recent update, housing completions within the district made up 58% of the required number of homes for the most recent HDT period (01 April 2019 to 31 March 2022 in comparison to 99% in the previous period). This means that whilst a significant number of residential permissions have been granted in recent years, many have not yet been

built and so are not accounted for in the backwards looking HDT. Following paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the LPA's housing requirement because of the updated HDT. This means that the current 5YHLS is 4.50 years (instead of 5.14 years).

- 14.3.23** 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.
- 14.3.24** The "Tilted 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 tilted balance.
- 14.3.25** However, taking into account the engagement of the tilted balance and when reviewed against the aforementioned policies, the proposal is on balance, considered to be acceptable in principle.

#### **14.4 B) Countryside Impact**

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 180 (a) of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.4.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.4.4** The application site lies on the eastern edge of Great Dunmow, the southern boundary is defined by the existing development along Braintree Road and St. Edmunds Lane respectively. A small watercourse flowing from north to the south, with sparse riverside vegetation including a few trees, creates the western boundary of the Site. The north-eastern boundary is open, extending across an arable field.
- 14.4.5** The submitted Landscape and Visual Impact assessment considers the site to have limited structural vegetation that is not of particular

ecological conservation interest, only one tree was identified as of moderate suitability to support roosting bats in the Ecological Impact Assessment. There are no known associations with the Site which would elevate its value. The Site is assessed as a landscape with good capacity to accommodate the proposed development due to its proximity to the existing development to the north, west and south. Overall, the sensitivity of the Site is assessed as medium.

**14.4.6** The main change to the landscape character will relate to the change of land use, from an arable field to the proposed scheme; however, key landscape elements, such as structural vegetation, will largely remain intact. There will be an overall increase in the tree cover and species diversity on the Site. The proposed development will be adjacent to the existing residential areas and therefore form a continuation of the existing pattern of development along St. Edmunds Lane and Braintree Road. The proposed houses will be present in near, middle and long distance views. The views of the new houses will be experienced by the residents, recreational users and road users. The new houses will be viewed in context of the existing housing, and will not appear out of character. The middle and long distance views will be filtered or partially screened by the intervening vegetation and existing buildings.

**14.4.7** The effect of the proposed on the existing character of the immediate site is considered to be major to moderate adverse. This is due to the change of the undeveloped agricultural field to a residential development, however this is localised.

**14.4.8** It is noted objections have been raised in regards to the introduction and increase of dwelling through this scheme will have a significant harmful impact to the rural appearance of the site, however the previous planning approval for the 32 dwellings on this site is extant and is a material planning consideration.

**14.4.9** The proposal for up to 51 dwellings would result in the introduction of built form where there is none currently. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The proposed planting of addition trees along the northern and southern of the site would provide some mitigation to the visual impact of the development on the wider landscape. It is considered the submission of a detailed landscaping plan should be secured by condition. 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 131 '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 high-quality design of the proposed development has been informed by environmental studies to make sure that the design responds to the local context and the principles of both Local Plan Policy GEN2 and the Essex Design Guide, to create high quality homes. Further details of the opportunities and constraints of the site that influenced the design are provided in the Design and Access Statement
- 14.5.4** The dwellings would be of a traditional appearance of red brick with some rendering and cladding with tiled roofs. This would create a broad variety and mixture within the proposed development, whilst reflecting the local built area. The proposed bungalows would be one storey in height, whilst the houses would be two storeys in height.
- 14.5.5** The dwellings would be of high-quality traditional appearance with the design based on the principles of the Essex Design Guide. The dwellings have been designed to provide a variety in character and appearance, whilst also reflecting the local context. The proposed material and building heights would respond to, and preserve, the prevailing character and appearance of residential dwellings in the locality, together with the density of residential dwellings along St Edmunds Lane. The proposed development seeks to balance efficient use of land by optimising density with responding to the local built character and the density of an edge of settlement location. It is noted the details of the external material should be secured by condition.
- 14.5.6** The Council's Urban Design Officer has been consulted as part of the application process and has not raised any objections and advises the The proposal is, in general terms, compatible with the surrounding buildings in terms of scale, massing, and form. With regards to layout, The layout of the proposed development has been designed to create active street frontages and natural surveillance to reduce the potential for crime. Dwellings would also largely be set back from neighbouring properties, separated by gardens and public open space to minimise the impact on living conditions of the occupants of surrounding properties. Connecting shared surfaces would be beneficial in terms of navigability and would facilitate easier pedestrian and cyclist movement around the site.
- 14.5.7** Although the Council's Urban Design Officer has recommended the relocation of the local area of play to then centre of the development, the

proposal retains the public open space at the entry into the site to in order to maintain an attractive vista on arrival to the site. The location of the play area here ensure the proposal will not conflict with the requirements of the Fields in Trust documents.

**14.5.8** Given the above, the proposal would comply with Local Plan Policy GEN2 and Neighbourhood Plan Policies DS8, DS11, LSC1.

**14.5.9** Neighbouring Amenity

**14.5.10** 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.

**14.5.11** The submitted layout plan shows that the proposed built form would be sufficiently distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023.

**14.5.12** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and residential occupational use. That being said this would be consistent to the other residential development the south and west of the application site. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the residential amenity of the existing neighbouring residential sites. As such the proposal is in accordance with ULP Policy GEN4.

**14.6** **D) Heritage Impacts and Archaeology**

**14.6.1** Impact on the Conservation Area & Listed Buildings

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

**14.6.3** To the south of the application site lies 2 no. Grade II listed buildings. Ford Farmhouse is an early nineteenth-century former farmhouse with grey gault brick front and red brick sides and rear under a grey slate hipped roof Ford Farm Barns is an early nineteenth-century range of former farm buildings, in red brick with yellow brick string courses, and grey brick dressings under a tiled roof.

- 14.6.4** The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be archaeological, architectural, artistic or historic’.
- 14.6.5** Paragraph 205 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.6.6** The Council’s Heritage Officer has been consulted; they consider the principle of the proposed development is acceptable based on former consented schemes for residential development on the Site. UDC (Heritage and Conservation) considers that the overall proposal would cause less than substantial harm to the setting of Ford Farmhouse and associated buildings, due to the historical relationship between the Site and the heritage assets. It is considered at the low end of the scale given the modern development and land use in proximity of the Site.
- 14.6.7** As such, and as per the requirements of paragraph 208 of the Framework, the decision maker needs to weigh the identified harm against the public benefits of a proposal.
- 14.6.8** Heritage Balance
- 14.6.9** Framework paragraph 208 requires that the harm to the significance of the listed building must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 14.6.10** The public benefits of the scheme include:
- 20 affordable housing units,
  - Contribution to the UDC 5 year housing supply
  - Contribute to the local economy, during construction and future occupation of the houses
  - four dedicated car parking spaces for the allotments to the south of the site,
  - provision of public open space and an equipped play space,

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

**14.6.12** Archaeology

**14.6.13** 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.

**14.6.14** The ECC Archaeological Team have not commented on the application. However, it is noted that the previous planning approval requested condition to secure Archaeological Programme of Trial Trenching followed by Open Area Excavation. As such it is recommended this is condition is included.

**14.6.15** The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with Policy ENV4 of the Local Plan.

**14.7** **E) Affordable Housing Mix and Tenure**

**14.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the National Planning Policy Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

**14.7.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the development proposes 51 properties. This amounts to up to 20 affordable housing properties.

**14.7.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for

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

**14.7.4** The proposed Affordable Rented housing mix meets the identified housing need within the LHNA 2023. For the shared ownership properties to meet the identified housing need it is recommended that the 6 shared ownership properties consist of 1 x 1 bed, 3 x 2 bed and 2 x 3 bed properties.

**14.7.5** Moreover, it is also the Council's policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. The proposal included 40% affordable housing provision which is policy compliant and a significant public benefit as part of the proposal. The housing mix for the development is considered acceptable and is accordance with ULP Policy H10 and Neighbourhood Plan Policies DS13, DS12.

## **14.8 F) Access and Parking**

### **14.8.1** Access

**14.8.2** 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.

**14.8.3** The application site would be accessed from a new vehicular access/egress to the site from Braintree Road. Pedestrian routes are also proposed through the site and linking to Braintree Road and linking to the PROW networks.

**14.8.4** Footpaths are integrated through the proposed development. It is proposed to divert the Public Footpaths 23 and 24 which cross the site. This is necessary to facilitate the proposed development. Route 24 will be diverted away from a private garden, which is considered to provide a more desirable route, and will come into the site from the main access point to the south before continuing beyond the north-eastern boundary. Footpath 23 would be diverted from the western boundary to follow the main footway and take the most direct route through the centre of the site to connect with Footpath 24. Necessary consents will be sought to divert the two existing PROW within the site.

**14.8.5** Details of a petition to ECC Highways and in regard to the diversion of the PROW have been provided to the Council, this includes 128 signatures. It is noted this petition is for ECC to consider when assessing



the application to divert the PROW, if the application to divert the PROW is refused then the application as opposed could not be delivered.

**14.8.6** The Highway Authority have been consulted of the proposed development and do not raise any objections subject to conditions and planning obligations. A number of objections have been received relating to highway safety and due consideration is made to the submitted Transport Report and the advice from the Highways Authority.

**14.8.7** The Highway Authority seek a payment of a £132,600 contribution (index linked) towards enhancement of public transport services in the vicinity of the site and £40,000 towards an accident reduction scheme. This would be secured through a S106 agreement.

**14.8.8** The proposal accords with ULP Policy GEN1 and the NPPF, in this context and subject to conditions and planning obligations, the proposal does not present an unacceptable impact on highway safety, nor will any residual cumulative impacts be severe and should be considered positively in highways and transport terms.

**14.8.9** Parking

**14.8.10** The layout of the proposed development considers the proposed parking standards, ULP Policy GEN8 states development will not be permitted unless the number, design and layout of vehicle parking proposal is appropriate for the location. A realistic approach is required to try and discourage unlimited car parking provision on new developments and thereby car usage, to help tackle the growing problem of traffic emissions and road congestion and making it easier to walk or cycle for local short distance trips, only in appropriate locations and must avoid parking to be displaced elsewhere in the neighbourhood.

**14.8.11** In terms of layout and number of the parking spaces, the revised scheme is in accordance with the Uttlesford Residential Parking Standards, furthermore, 13 visitor parking spaces will be provided within the development in accordance with Essex Parking Standards.

**14.8.12** Taking into regards the details set out in the above paragraphs it is considered the access and parking of the development is appropriate and in accordance with ULP Policies GEN1, GEN8, Uttlesford Residential Parking Standards, Neighbourhood Plan Policies GA1, GA2, GA3 and the NPPF,

**14.9** **G) Nature Conservation & Trees**

**14.9.1** Nature Conservation

**14.9.2** Policy GEN7 and paragraph 185 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the

long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

**14.9.3** A number of objections have been made in terms of the lack of ecology surveys and the location of the application site to protected species and habitat. The Council's Ecology Consultant (Place Services) have reviewed the ecology appraisal submitted with the application and they are satisfied that there is sufficient ecological information available for determination of this application.

**14.9.4** The Place Services 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. The mitigation measures identified in the Ecological Impact Assessment Rev B (Tyler Grange, December 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

**14.9.5** Objections to the proposals not sufficiently considering protected survey and nearby habitat have been received. These points have been raised with the Council's Ecology consultant who advise the submitted ecology survey has covered the nearby habitat sites and that the site has low suitability to support commuting and foraging bats and therefore bat activity surveys are therefore considered unnecessary as appropriate avoidance, mitigation, and compensation measures are expected to be implemented.

**14.9.6** The proposed reasonable biodiversity enhancements include:

- Developer contributions via a SAMMs payment, to mitigate for the recreational impacts to Hatfield Forest SSSI;
- A CEMP to include mitigation for Merks Hill LWS, retained habitats, bats, reptiles, nesting birds, and badger;
- Signage on the proposed PRow to safeguard Merks Hill LWS from recreational disturbance;
- A bat sensitive lighting strategy to protect tree T1 (which has bat roosting potential), as well as the habitats on site suitable for bat commuting/foraging such as hedgerows, trees, and the stream;
- Enhancements such as bat/bird boxes and reptile refugia;
- A LEMP to ensure the long-term management of created habitats and biodiversity enhancements.

**14.9.7** These are considered to accord with paragraph 174d of the National Planning Policy Framework (2023) and is supported by the Place Services Ecology team.

**14.9.8** Biodiversity Net Gain

**14.9.9** A Biodiversity Net Gain Assessment was submitted with the application. Clarification should be provided on some points including how they have reached the condition score of the watercourse and who undertook the River Condition Assessment and if they are suitably trained. It is noted that the proposals include enhancement of the onsite watercourse through reducing the bankside encroachment of vegetation. This is considered to be a feasible enhancement but will need to be surveyed and carried out by a trained individual. In addition, further information as to what the enhancement to the watercourse will involve should be provided and secured by condition.

**14.9.10** Trees

**14.9.11** A minimum of a 4m buffer would be provided along the edge of the stream where no built form or drainage basins would exist within. The existing trees along the stream would be retained and incorporated into the proposed development. No existing trees within the site would be lost, however, part of a hedgerow would be removed along the southern boundary of the site to facilitate a new access/egress point.

**14.9.12** The Council's Landscape Officer has not provided specific comments on tree removals, however, it is noted new native trees would be planted along the north-eastern and south-eastern boundary of the site, in areas of public open space and along new streets, totally 81 new trees. Wildflower grassland would also be planted around the sustainable drainage ponds and in the public open space within the south-eastern part of the proposed development. This would ensure that the tree cover to be lost to facilitate access would be adequately replaced in terms of quantum and quality within the application site.

**14.10** **H) Climate Change**

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

**14.10.2** The design of the proposed development is proposed to adopt a 'fabric first' approach to the build specification with regard to maximising energy efficiency and reducing carbon emissions. This would include well

insulated cavity walls, roof, floors and openings. In addition, the proposed development would use air source heat pumps (ASHP) that would also be used for water heating.

- 14.10.3** To minimise water consumption, the proposed development would include corporate efficient, water saving sanitary ware. This would limit water use in all new dwellings to a maximum of 110 litres per person per day.
- 14.10.4** Each new dwelling will be provided with at least 1 fast charging EV charging point.
- 14.10.5** Given the outline nature of the application, full details of such measures would be dealt with by way of condition through the submission of a more detailed energy and sustainability statement.

#### **14.11 I) Contamination**

- 14.11.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.
- 14.11.2** The Council's Environmental Health Officer has been consulted as part of the application and notes the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is therefore important to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. It is therefore suggested that, if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This would require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Desk Study Assessment, prior to any works commencing on site, with further potential site investigations and remediation taking place at the site.

#### **14.12 J) Flooding**

- 14.12.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 14.12.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.
- 14.12.3** New major development for housing needs to include a flood risk assessment as part of their planning application, to ensure that the

required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

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

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

### **14.13 K) Planning Obligations**

**14.13.1** Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.13.2**
- Provision of 40% affordable housing.
  - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
  - Securing Farmland Bird Mitigation Strategy to compensate offsite the loss or displacement of any Farmland Bird.
  - Provision and long-term on-going maintenance of public open space.
  - Early years and child care (Financial contributions of £82,168.00)
  - Primary School (Financial contributions £273,893),
  - Secondary Education: (Financial contribution of £251,140),
  - Libraries: (Financial contribution of £3967.80),
  - NHS: Financial contribution of £95,982.00.
  - Provision Emergency Ambulance Service Infrastructure, contribution of £19,704.
  - Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of Hatfield Forest.
  - Monitoring fee for Residential Travel Pack
  - Pay the Council's reasonable legal costs.
  - Pay the County Council's monitoring fee
  - Pay the Uttlesford District Council monitoring fee.

## **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 LPA is unable to demonstrate a 5 year housing supply, to provide an update on this, in October 2023, the Local Planning Authority (LPA) published a 5YHLS figure of 5.14 years with the necessary 5% buffer. However, there is a more recent position that reflects the recent government update of the Housing Delivery Test (HDT).

**16.2** As a result of the recent update, housing completions within the district made up 58% of the required number of homes for the most recent HDT period (01 April 2019 to 31 March 2022 in comparison to 99% in the previous period). This means that whilst a significant number of residential permissions have been granted in recent years, many have not yet been built and so are not accounted for in the backwards looking HDT.

**16.3**

Following paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the LPA's housing requirement because of the updated HDT. This means that the current 5YHLS is 4.50 years (instead of 5.14 years) as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged.

- 16.4** 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.
- 16.5** In respect to addressing the benefits of the proposed development, the provision of housing supply, affordable housing units would represent significant public benefits.
- 16.6** The development would provide modest economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy, including the provision of commercial / community building on the site.
- 16.7** The provision of a large area of new public open space, local area of play and parking spaces for the allotments would also represent a modest public benefit as part of the scheme.
- 16.8** 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.
- 16.9** The proposal would also result in less than substantial harm to setting of the nearby heritage asset and a heritage assessment has been made at section 14.6 of this report. This concludes the development would include significant public benefits that would outweigh the heritage harm.
- 16.10** Due consideration should be made to the extant planning permission on this site for 32 self-build dwellings and the principle of residential development on this site which has been approved, this is considered to hold substantial weight and this proposed development is also considered to make more efficient use of land that benefits from consent, in accordance with the NPPF.
- 16.11** 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.

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

## **17. S106/ CONDITIONS**

### **17.1 S106 HEADS OF TERMS**

- 17.2**
- I. Provision of 40% affordable housing,
  - II. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010,
  - III. Securing Farmland Bird Mitigation Strategy to compensate offsite the loss or displacement of any Farmland Bird,
  - IV. Provision and long-term on-going maintenance of public open space,
  - V. Early years and childcare (Financial contributions of £82,168.00),
  - VI. Primary School (Financial contributions £273,893),
  - VII. Secondary Education: (Financial contribution of £251,140),
  - VIII. Libraries: (Financial contribution of £3967.80),
  - IX. Employment and Skills Plan (ESP),
  - X. NHS: Financial contribution,
  - XI. Highway Authority Financial Contribution of £132,600- local bus service improvements,
  - XII. Highway Authority Financial Contribution - accident reduction scheme,
  - XIII. Provision Emergency Ambulance Service Infrastructure, contribution of £19,704,
  - XIV. Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of Hatfield Forest.
  - XV. Provision of Residential Travel Pack
  - XVI. Monitoring fee for Residential Travel Pack,
  - XVII. Pay the Council's reasonable legal costs,
  - XVIII. Pay the County Council's monitoring fee,
  - XIX. Pay the Uttlesford District Council monitoring fee.

### **17.3 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 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

### **PRE- COMMENCEMENT**

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

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the control of noise from construction, including the hours of working and hours of deliveries
- (e) safe access to site
- (f) wheel washing facilities
- (g) measures to control the emission of dust and dirt during construction
- h) Details of a complaints procedure with a designated person on site responsible for complaint handling

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

- 4 Prior to the commencement of the development hereby approved, a Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss of any Skylark territories. This shall include provision of the evidenced number of Skylark nest plots,

to be secured by legal agreement of a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

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

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

REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 5 Prior to the commencement of development hereby approved a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to void or reduce impacts during construction (may be provided as a set of method statements) to include protection of Merks Hall Local Wildlife Site and Ancient Woodland, the onsite stream and hedgerows, tree T1, Badger and reptiles.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

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

- 6 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - Limiting discharge rates to 7l/s for the northern catchment for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party.
  - Clarify permission to discharge the southern catchment to the highway sewer and clarify the discharge rate (which should be for all events up to and including the 1 in 100 year plus 45% climate change storm event).
  - If discharge to the highway sewer is refused, the alternative solution to the ditch to the north of the site should be shown in detail.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
  - Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site, and in accordance with ULP Policy GEN3 and the NPPF.

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

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates.

To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed, and in accordance with ULP Policy GEN3.

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

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

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

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

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

## **PRE SLAB LEVEL**

- 9 Prior to any works above slab level an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority, in consultation with the Highway Authority, has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility and in accordance with ULP Policy GEN1.

- 10 Prior to any works above slab level details of either :

The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to GI Standards ([naturalengland.org.uk](http://naturalengland.org.uk)));

OR

a signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW).

shall be submitted to and approved in writing by the local planning authority, the approved works shall be implemented in accordance with the approved details prior to the occupation of the last unit and shall be retained in that manner thereafter.

REASON: The application site falls within the currently identified ZOI for recreational impacts to Hatfield Forest SSSI/NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, in accordance with ULP Policy GEN7 and paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

- 11 Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment Rev b (Tyler Grange, December 2023) plus additional integrated bird boxes in line with the latest British Standards Institution guidance (BS42021:2022), shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
  - d) persons responsible for implementing the enhancement measures; and
  - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 12 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 accordance with the approved details prior to occupation of the dwelling hereby approved and shall be maintained as such in perpetuity.

The landscaping details to be submitted shall include:

- a) proposed finished levels (including 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) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- h) 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, to safeguard residential amenities, to preserve the significance of the heritage assets and to secure details of the new planting/boundary treatments, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2 and the National Planning Policy Framework (2021).

- 13 Prior to any work above slab level details of any renewable features/ climate control measures associated with each dwelling shall be submitted and approved in writing by the Local Planning Authority. The renewable features/ climate control measures shall installed prior to the occupation of the dwellings and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

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

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

### **PRE OCCUPATION**

- 15 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 and in accordance with ULP Policy GEN1.



- 16 Prior to the occupation of the development hereby approved, a lighting design scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The lighting scheme should also avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and ULP Policy GEN7 and neighbouring amenity (GEN4 and GEN5).

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

The content of the LEMP shall include the following:

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

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

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

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

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site, and in accordance with ULP Policy GEN3 and the NPPF.

- 19 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 and in accordance with ULP Policy GEN1.

20 Prior to occupation of any dwelling, the provision of an access formed at right angles to the existing carriageway (Braintree Road), to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate refuse vehicle, two 2 metre wide footways, pedestrian crossing points, and clear to ground visibility splays with dimensions of 2.4 metres by 29 metres, in both directions, as measured from and along the nearside edge of the carriageway (including any necessary measures to prevent parking in the visibility splay), as shown in principle on DWG no. DR1 REV. D (Titled – Proposed access and visibility). Such vehicular visibility splays shall be retained free of any obstruction at all times.

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 and accordance with ULP Policy GEN1.

#### **COMPLIANCE CONDITIONS**

21 The width of public footpath no. 23/24 (Great Dunmow) must be provided to a minimum of 2 metres, and any proposed planting and/or boundary features must be set back a minimum of 2 metres from the width of the footpath.

REASON: To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility and in accordance with ULP Policy GEN1.

22 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Rev b (Tyler Grange, December 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will 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 protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as

amended) and s40 of the NERC Act 2006 (Priority habitats & species). And in accordance with ULP Policy GEN7.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk and in accordance with ULP Policy GEN3 and the NPPF.

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

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005) and in accordance with the guidance in Approved Document S 2021.

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

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

- 26 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 and in accordance with ULP Policy GEN1 and the NPPF.

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

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town &

Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 28 With regard to the two SuDS detention basins, all grass around and within the basin must be maintained at 150mm.

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 and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

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

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

## **Appendix 1 – Lead Local Flood Authority**

### **Consultation Response – UTT/24/0213/FUL - Land East Of St Edmunds Lane North Of Braintree Road Dunmow**

Thank you for your email received on 09/05/2024 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

#### **Lead Local Flood Authority position:**

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

#### **Condition 1**

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in

accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 7l/s for the northern catchment for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party.
- Clarify permission to discharge the southern catchment to the highway sewer and clarify the discharge rate (which should be for all events up to and including the 1 in 100 year plus 45% climate change storm event).
- If discharge to the highway sewer is refused, the alternative solution to the ditch to the north of the site should be shown in detail.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

#### **Reason**

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

## **Condition 2**

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

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### **Reason**

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

## **Condition 3**

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

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

### **Reason**

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

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



#### **Condition 4**

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

#### **Reason**

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

We also have the following advisory comments:

### **Appendix 2- Natural England**

**Planning consultation:** Full planning application for 51 no. residential units (Class C3), new access from Braintree Road, landscaping and other associated works

**Location:** Land East Of St Edmunds Lane North Of Braintree Road Dunmow

Thank you for your consultation on the above dated 19 February 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (ZOI) of 11.1km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified ZOI for recreational impacts to Hatfield Forest SSSI/NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI/NNR. As these mitigations are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

**In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured through planning conditions:**

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners;  
**AND EITHER**
- The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to [GI Standards \(naturalengland.org.uk\)](http://naturalengland.org.uk));  
**OR**
- a signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW).

#### **Further advice on mitigation**

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there have been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (ZOI) for recreational impacts to Hatfield Forest SSSI / NNR. The results of the winter and summer surveys originally indicated a zone of 14.6km radius from the site, which has subsequently been revised to a 11.1km zone following further visitor surveys. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this ZOI. New residential housing within this ZOI therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the ZOI to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24<sup>th</sup> September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28<sup>th</sup> June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust.

We would take this opportunity to highlight the Local Planning Authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy NE1 refers to the protection of the Natural Environment and designated sites. The policy states that '*Proposals should avoid impacts on sites of nature conservation value and wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact will be sought, commensurate to the importance of the site in terms of its status in the hierarchy and the contribution it makes to the wider ecological networks*'.

On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies.

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. We would advise that as the Local Planning Authority, an assessment is made as to whether the on-site ANG provision is of sufficient size and quality to provide mitigation, prior to the determination of this application.

For areas of green infrastructure, we would generally advise that these should include elements such as the following:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes of 2.3-2.5 km or with signposted links to circular walks on the surrounding Public Rights of Way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/leaflets to new householders to promote these areas for recreation; and,
- Dog waste bins etc.

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package.

As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been finalised, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

The level of financial contribution for SAMM required to mitigate the adverse recreational pressures on Hatfield Forest NNR/SSSI resulting from the above development should be agreed with the National Trust; this contribution should be secured by legal agreement with the LPA to avoid impacts on Hatfield Forest NNR/SSSI.

**Natural England therefore advises that permission should not be granted until such time as the following mitigation measures have been secured through planning conditions:**

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners;  
**AND EITHER**
- The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to [GI Standards \(naturalengland.org.uk\)](https://www.naturalengland.org.uk));  
**OR**
- a signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW).

## Appendix 3- Highways

Your Ref: UTT/24/0213/FUL  
Our Ref: 51343  
Date: 5<sup>th</sup> July 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/24/0213/FUL  
Applicant Mulberry Property Developments Ltd  
Site Location Land East Of St Edmunds Lane North Of Braintree Road Dunmow  
Proposal Full planning application for 51 no. residential units (Class C3), new access from Braintree Road, landscaping and other associated works

**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 any dwelling, the provision of an access formed at right angles to the existing carriageway (Braintree Road), to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate refuse vehicle, two 2 metre wide footways, pedestrian crossing points, and clear to ground visibility splays with dimensions of 2.4 metres by 29 metres, in both directions, as measured from and along the nearside edge of the carriageway (including any necessary measures to prevent parking in the visibility splay), as shown in principle on DWG no. DR1 REV. D (Titled – Proposed access and visibility). Such vehicular visibility splays shall be retained free of any obstruction at all times. **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.
2. Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;
  - i. Improvements to the passenger transport infrastructure at the eastbound and westbound bus stop located in the vicinity of the site on Braintree Road. The

bus stops improvements to include (where appropriate) but not limited to, raised kerbs, flags, shelter, footway and crossing provision, and any other related infrastructure as deemed necessary by the Highway Authority.

- ii. Prior to occupation of the development, the provision of a 2-metre footway along the entire site frontage and improvements to the existing footway thereafter to provide maximum achievable width between the west of the site frontage and St Edmunds Lane. For the avoidance of doubt, this shall include full depth reconstruction and surfacing, as required. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interest of highway safety and accessibility. The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.

**Reason:** In the interests of highway safety and accessibility.

3. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority, in consultation with the Highway Authority, has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority. **Reason:** To ensure the continued safe passage of pedestrians on the public right of way and accessibility.
4. The width of public footpath no. 23/24 (Great Dunmow) must be provided to a minimum of 2 metres, and any proposed planting and/or boundary features must be set back a minimum of 2 metres from the width of the footpath. **Reason:** To ensure the definitive line and width of the public footpath is retained, in the interest of accessibility.
5. Prior to first occupation of the development, a financial contribution of £132,600 (index linked to April 2024) to be paid to the Highway Authority to contribute to a strategy that will enhance local bus services serving Great Dunmow and the surrounding areas to provide connections to local amenities and/or key towns. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
6. Prior to first occupation of the development, a financial contribution of £40,000 to be paid to the Highway Authority, to contribute towards the accident reduction scheme for the junction of Braintree Road with B1256 which includes but not limited to conducting relevant studies, surveys, design, and the installation of Intelligent Traffic Signals. **Reason:** To promote the reduction of the current accident rates at that location in the interests of Highway safety.
7. 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.
8. 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.

9. 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. The parking of vehicles of site operatives and visitors;
  - iii. Loading and unloading of plant and materials;
  - iv. Storage of plant and materials used in constructing the development;
  - v. Wheel and underbody washing facilities.
  - vi. A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase and/or temporary closure.

**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.

10. No development shall take place, including any ground works or demolition, until a condition survey of the highway network from Braintree Road junction to the application site, and the PROW network within the application site, has been submitted to, and approved in writing by, the local planning authority. The survey must consist of:

- i. A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
- ii. a site plan showing the location of where the photographs were taken on the public highway.

**Reason:** To ensure that the construction works do not result in the deterioration of the condition of the public highway along the site and to ensure repairs are undertaken at the developer's expense where, caused by developer in the interests of highway

11. After the completion of the development works, a follow up condition survey to identify new defects to the existing adopted highway from Braintree Road junction to the application site, and the PROW network within the application site, shall be submitted to, and approved in writing by, the local planning authority. Any identified damage to the adopted highway shall be made good to the satisfaction of the local Authority prior to first occupation.

The survey must consist of:

- i. A written and photographic record of all new defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
- ii. A site plan showing the location of where the photographs were taken on the public highway.
- iii. Should the post construction survey identify any damage to the highway caused by the construction works, details of measures to repair the highway, including timescales.

**Reason:** To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently

remedied at the expense of the developer, In the interest of pedestrian and highway safety.

12. 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.
13. 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 National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

#### **Appendix 4- Schedule of Accommodation**

Unit	Dwelling Type	Affordable	Bedrooms	Garden	Parking
1	Detached House	Market	4	100+	4
2	Detached House	Market	4	100+	3
3	Detached House	Market	4	100+	3
4	Detached House	Market	3	100+	3
5	Detached House	Affordable	4	100+	3
6	Maisonette	Affordable	1	Communal	1
7	Maisonette	Affordable	1	Communal	1
8	Maisonette	Affordable	1	Communal	1
9	Maisonette	Affordable	1	Communal	1
10	Detached House	Affordable	4	100+	3
11	Detached House	Market	3	100+	3
12	Semi detached	Affordable	2	50+	2
13	Semi detached	Affordable	2	50+	2
14	Bungalow	Affordable	2	50+	2
15	Bungalow	Affordable	2	50+	2
16	Semi detached	Affordable	3	100+	2
17	Semi detached	Affordable	3	100+	2
18	Semi detached	Affordable	3	100+	2
19	Semi detached	Affordable	3	100+	2
20	Terrace	Affordable	2	50+	2
21	Terrace	Affordable	2	50+	2
22	Terrace	Affordable	2	50+	2
23	Bungalow	Market	3	100+	2

24	Detached House	Market	3	100+	3
25	Detached House	Market	3	100+	3
26	Detached House	Market	4	100+	3
27	Detached House	Market	3	100+	3
28	Detached House	Market	4	100+	3
29	Detached House	Market	4	100+	3
30	Detached House	Market	5	100+	4
31	Detached House	Market	5	100+	4
32	Detached House	Market	4	100+	3
33	Detached House	Market	4	100+	3
34	Detached House	Market	4	100+	3
35	Detached House	Market	4	100+	3
36	Detached House	Market	5	100+	4
37	Detached House	Market	4	100+	4
38	Detached House	Market	4	100+	4
39	Detached House	Market	4	100+	4
40	Detached House	Market	5	100+	4
41	Detached House	Market	4	100+	4
42	Detached House	Market	5	100+	4
43	Detached House	Market	5	100+	4
44	Detached House	Market	4	100+	3
45	Detached House	Market	4	100+	3
46	Detached House	Market	3	100+	3
47	Semi detached	Affordable	3	100+	2
48	Semi detached	Affordable	3	100+	2
49	Detached House	Affordable	4	100+	4
50	Detached House	Market	4	100+	3
51	Detached House	Market	4	100+	3
	<b>Visitor Parking Spaces</b>	<b>13</b>			