



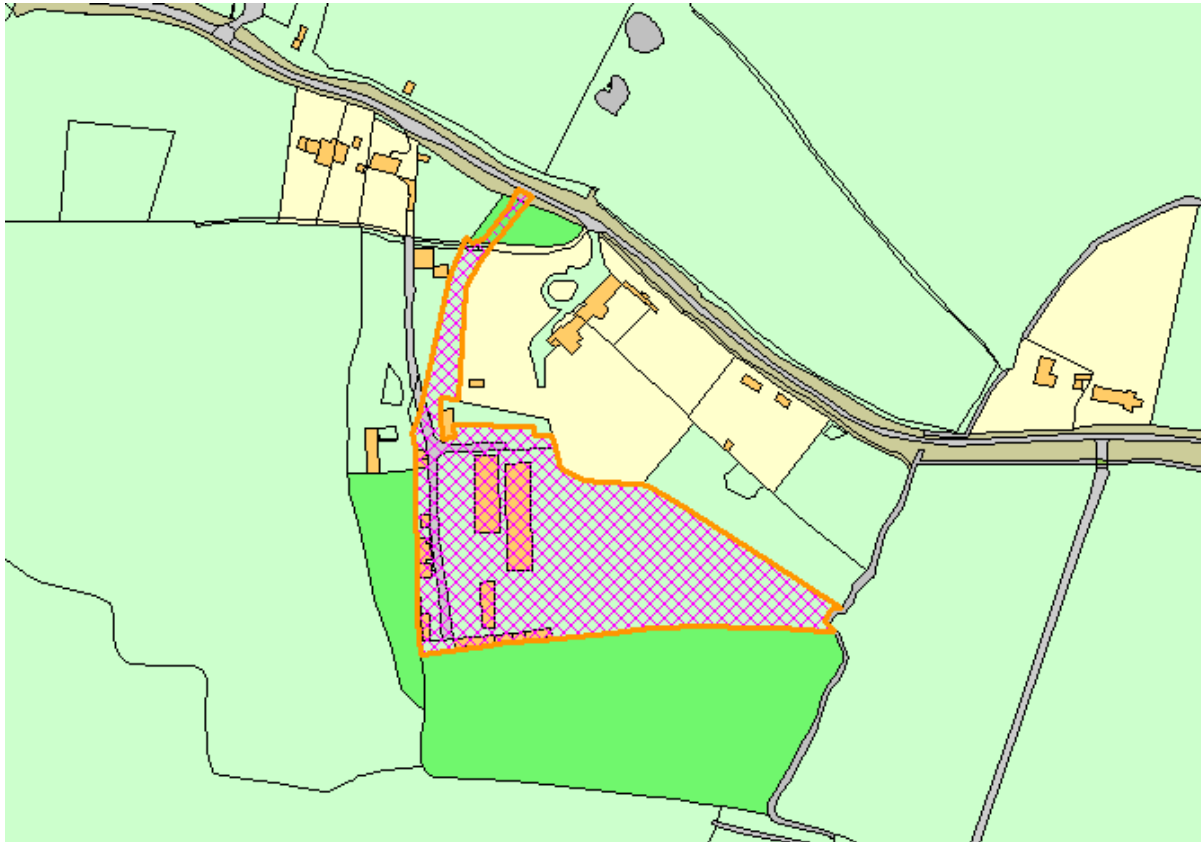
ITEM NUMBER: 14

PLANNING COMMITTEE DATE: 24th July 2024

REFERENCE NUMBER: UTT/24/1132/FUL

LOCATION: Land Rear Of Malt Place
Cornells Lane
Widdington
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 27th June 2024

PROPOSAL: S73 application to vary condition 2 (approved plans) of UTT/21/2649/FUL (Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL) - amendments to floor plans

APPLICANT: Mr M King

AGENT: Miss Hannah Wallis

EXPIRY DATE: 29th July 2024

EOT EXPIRY DATE:

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Within 6km of Airport
Historic Landscapes - Location: WIDDINGTON
Protected Lane - Lane ID: UTTLANE158 [Location: Widdington - Cornells Lane]
Within 250m of Local Wildlife Site - Location: HIGH/PRIOR'S WOOD LANE [Site No: Ufd118]

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 Full planning permission is sought by the applicant (Mr M King) for the for variation of condition 2 (approved plans) of UTT/21/2649/FUL, for the demolition of five existing buildings, and the erection of three new buildings forming 10 residential dwellings alongside ancillary works at the site known as 'Land to the rear of Malt Place, Cornells Lane, Widdington'.

1.2 The application site has extensive planning history in which permission has been previously granted under 4 separate planning application for the conversion of existing or the construction of new buildings forming a total of 10 residential dwellings on the site. Important to the planning merits of this application, these granted permissions can still be lawfully carried out

as permission has not expired. It is the applicant's intention to change the internal floor layouts of the buildings that benefit from extant permission.

- 1.3 The principle of developing the site for residential has thereby already been established and when one applies the 'planning balance' as required by Paragraph 11 of the NPPF, it is concluded that the proposed benefits of the scheme would outweigh the minor identified harm.
- 1.4 Overall, the proposals accord with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

2. **RECOMMENDATION**

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

- A) 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 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 area of land subject to this planning application relates to the site known as 'Land to the rear of Malt Place, Cornells Lane, Widdington, Essex'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2 The application site is located on the southern side of Cornells Lane approximately 275m east of Mole Hall Lane on the outskirts of the village of Widdington. The site itself is irregular in shape with the front boundary following the curve of the highway and its topography is relatively level. The site has an area of approximately 1.4 hectares. The application site is accessed from Connells Lane
- 3.3 The site is a former poultry farm, with extensive boundary vegetation, several substantial existing structures and a large area of meadow land. The former poultry buildings are proportionate in size to this topography and are located in an open area and have a utilitarian agricultural appearance that integrates with the rural landscape. The buildings on the site are not in a good state of repair.

3.4 There are some dwellings along this part of Cornells Lane that spread out from the village. Three are in reasonably close proximity to the north of the application site and have large gardens. Large arable fields used for agriculture are located to the south, east and west of the site.

4. **PROPOSAL**

4.1 The applicant seeks planning permission for the variation of condition 2 (approved plans) of UTT/21/2649/FUL.

4.2 Various applications have been granted planning permission recently under references UTT/20/2154/FUL, UTT/20/0876/FUL, UTT/20/3016/FUL and UTT/21/2649/FUL. Full details of these application are provided below in Section 6 (History) of this report.

4.3 Collectively the extant permissions listed above have granted permission to allow for the demolition of three existing buildings, to convert two existing buildings into 4 and 5 residential dwellings respectively, and for the erection of a single detached dwelling. In total, permission has been granted for creation of 10 dwellings on the site which can still be lawfully carried out.

4.4 This full application thereby sets out to vary the approved plans that were granted under (UTT/21/2649/FUL).

4.5 The proposals in large remain almost the same as that of which has already been collectively granted consent for with the exception of a few minor alterations as summarised below:

- 4.6
- The internal layout has been changed to incorporate additional bedrooms within the units.
 - There are fenestration changes in order to accommodate the internal layout changes.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/20/2154/FUL	Conversion of Existing agricultural buildings to 5-no. dwellings with associated parking and landscaping.	Allowed by appeal APP/C157 0/W/20 /3264013 15 June 2021

UTT/20/0876/FUL	Replacement of Existing Single Storey Agricultural Building with 1-no. dwelling (Revised scheme to approved UTT/17/2960/PAP3Q)	Granted 11 th June 2020
UTT/20/3016/FUL	Conversion of existing single storey agricultural building to 4-no. residential units.	Granted 16 th April 2021
UTT/21/2649/FUL	Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL	Granted 5 th September 2022
UTT/24/0810/NMA	Non Material Amendment to UTT/21/2649/FUL - amendments to floor plans	Refused 9 th April 2024
UTT/24/1169/NMA	Non Material Amendment to UTT/21/2649/FUL - amendments to floor plan	Refused 29 th May 2024
UTT/24/1495/NMA	Non Material Amendment to UTT/21/2649/FUL - amendments to floor plans for units 1-10	Granted 3 rd July 2024

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Comments

8.1.1 No Consultation Response.

8.2 Local Flood Authority – No Objection

8.2.1 The Lead Local Flood Authorities consultee response can be found in Appendix 1 of this report.

9. PARISH COUNCIL COMMENTS

9.1 Widdington Parish Council

The Parish Council objects to this application on the following grounds:

- Increase in building heights
- Increase in building length under previous application

- Increase in the number of bedrooms
- Access onto a narrow 60mph road
- Protected Lane
- No street lighting
- No mains drainage
- No pavements
- Limited Bus Service
- School bus departs approximately a mile away from the site
- Not a sustainable site

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is 1.40 ha and therefore exceeds 0.5 ha. This amounts to 4 affordable housing units but given the location of the site an off-site affordable housing contribution of £25,000 was previously agreed via application UTT/21/2649/FUL.

10.1.2 Application UTT/21/2649/FUL with extant permission was for 9 out of the 10 units to be 1- or 2-bedroom properties whereas this current application proposes 3 x 2 bed units, 6 x 3 bed units and 1 x 4 bed unit. The current application is therefore substantially different to the one with extant permission.

10.1.3 Given that the units proposed within this application differ substantially from the units with extant approval there is a need for a Financial Viability Assessment to be submitted by the applicant.

10.2 UDC Environmental Health

10.2.1 The Environmental Protection Team have no objection to the proposed variation of condition 2.

10.3 Place Services (Ecology)

10.3.1 No Objections subject to conditions on the following:

- Compliance with Mitigation Enhancement Measures
- Submission of Mitigation Licence for Badgers
- Submission of Great Crested Newt Method Statement
- Submission of a Biodiversity Enhancement Strategy
- Submission of a Wildlife Sensitive Lighting Scheme

10.4 Crime Prevention Officer

10.4.1 Nothing further to add to our comment of 8/9/21 on application UTT/21/2649/FUL

10.5 Affinity Water

10.5.1 Affinity water has no comments to make regarding planning application UTT/24/1132/FUL

10.6 Anglian Water

10.6.1 The amended plans are not related to Anglian Water network; therefore this application is outside of our jurisdiction to comment.

10.7 Aerodrome Safeguarding

10.7.1 No Objection.

The applicant is reminded of the need to ensure that species of bird that are hazardous to aircraft must be deterred from the ponds.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 74 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

11.2 Object

- 11.2.1**
- Highways Safety.
 - Narrow Access.
 - Additional Traffic Movement.
 - Limited Bus Service.
 - Should not have met Class Q.
 - Building have increase in Height.
 - Impact on Wildlife.
 - Not a sustainable site.
 - Limited Infrastructure.
 - Flooding.
 - Lack of Shops and Schools.
 - Refused NMA's on the Site.
 - Proximity to Historic Woodland.
 - Sets a Planning Precedent.

11.3 Comment

- 11.3.1**
- The required statutory consultations have been made.
 - The material consideration will be considered in the following report.
 - The site already benefits from 4 previous planning permissions.

- This application is for Internal alterations, the majority of the objections were addressed under the previous planning applications.

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.

12.4 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 February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
 Thaxted Neighbourhood Plan (made February 2019)
 Stebbing Neighbourhood Plan (made July 2022)
 Saffron Walden Neighbourhood Plan (made October 2022)
 Ashdon Neighbourhood Plan (made December 2022)
 Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Local Plan 2005

13.2.1

S7	The Countryside
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GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H9	Affordable Housing
H10	Housing Mix
ENV3	Open Space and Trees
ENV7	Protection of the Natural Environment
ENV8	Other Landscape Elements of Importance
ENV11	Noise Generators
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 There is not 'made' Neighbourhood Plan for the area".

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 playspace
 Supplementary Planning Document – Developer's contributions
 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) Character and Design**
 - D) Housing Mix and Tenure**
 - E) Neighbouring Amenity**
 - F) Parking and Access**
 - G) Landscaping, Open Space**
 - H) Nature Conservation**
 - I) Contamination**
 - J) Flooding**

14.3 A) Principle of development

14.3.1 It is acknowledged that planning permission has already been granted under four separate applications for the conversion of replacement of existing buildings on the site to form a total of 10 residential units.

Although the works approved as part of these applications have not commenced to date, the time in which these permissions as confirmed by relevant imposed planning conditions has not expired. Thereby these granted permissions remain extant and can still be lawfully carried out. This is a material consideration in the assessment of this application.

- 14.3.2** It is the applicant's intention with the submission of this application to combine the granted applications into effectively one single application with some minor modifications.
- 14.3.3** It is considered that this will help to provide clearness and simplicity of the site to deliver a more cohesive development to create a higher quality environment rather than a piece meal development of the site that would not ideally link or relate to one another.
- 14.3.4** Although the application represents new built form rather than the conversion or replacement of existing rural buildings that have been granted permission, the proposals will incorporate the same number of residential units which will be of a similar design and layout.
- 14.3.5** Given that the principle of developing the site for residential use has already been assessed and found to be appropriate including that of its location and sustainability, it is concluded that this application does not increase the built form of the development, as such it is appropriate in principle subject to other planning merits as assessed per below.

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 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** It is acknowledged that the surrounding landscape consists of gently undulating arable fields, stitched together with tree-lined hedges and small pockets of mixed woodland with open views over the existing countryside.
- 14.4.3** The application site presents a deep soft landscaped buffer to all boundaries in the form of mature trees and hedgerows and additional soft planting will provided as part of the proposals. The application site's boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of built form outside its immediate boundaries.
- 14.4.4** When seen from a distance it is not just the siting of a building which is apparent but also its scale. Tight clusters of buildings generally look more settled in the landscape than scattered ones. The new buildings are single storey in height, would not stand in isolation and forms part of a cluster of buildings.

- 14.4.5** The amount of built form would replicate the existing buildings that are proposed to be removed from the site, and as such there would be not significant increase of development compared to that of exiting conditions. Furthermore, the proposals would not be significant larger in scale and size compared to that of which could be lawfully carried out under the extant planning permissions.
- 14.4.6** In outlying views towards the site, the landscape and visual implications of this proposed development are considered to be of a low level and modest nature for a development such as this.
- 14.4.7** The development proposal would have limited visual influence on the rural surroundings and the rural landscape context would not be notably altered or harmed. The new building would be screened and contained within the established natural structure of the site when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the site set behind the established boundary treatments.
- 14.4.8** Taking the foregoing factors together, it is submitted that the proposed development would not be harmful to the character and appearance of the landscape or local countryside.

14.5 C) Character and Design

- 14.5.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.5.2** Although the principle of the development of the site has been established via the granting of previous permissions, the built-form context is an important material consideration to successfully reinforce the Essex building tradition against bland and inconsiderate design. The interplay between buildings and spaces and the scale of these relationships can largely determine local character, even before architectural appearance and style is considered.
- 14.5.3** It is regarded that the proposed layout has taken into account the design principles of the previous granted schemes and incorporated these to make the best and most efficient use of the site, whilst preserving and enhancing the natural and built environment, respecting the character of the surrounding locality and the amenities of surrounding buildings.

- 14.5.4** The layout positively responds to the site constraints and the arrangement of buildings has taken into account the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development.
- 14.5.5** The layout is similar to the extant permissions but with several minor alterations to allow and improve the quality of the scheme. The two larger buildings that are currently approved for conversion for 4 and 5 dwelling retrospectively are now proposed as new builds centrally within the site. This now enables the relocation of the western building to be set back a further 2.5m to the west of the eastern building thereby creating a more spacious separation between the two buildings and improving the living standards of future occupiers.
- 14.5.6** It is also proposed to amend the area around the detached dwelling so that it has a larger garden and shares the access drive with the other dwellings.
- 14.5.7** In terms of height, the applicant has taken the opportunity to provide single storey buildings. The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings. Furthermore, the scale of the proposed will be comparable to the approved schemes.
- 14.5.8** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. Overall, a simple palette of materials that includes variation in facing bricks, roof tiles and weatherboarding is proposed.
- 14.5.9** The architectural treatment has been designed to provide a cohesive development as a whole, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.
- 14.5.10** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 14.5.11** For 2-bedroom dwellings, the provision of 50sqm of amenity area, 75m² for 3-bedroom dwellings and 100sqm for a 4-bedroom is an acceptable and a workable minimum size that accommodates most household activities in accordance with Policy GN2 of the Adopted Development Polices and the Essex Design Guide.
- 14.5.12** Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers

14.5.13 The overall design of the development has also been heavily influenced by amenity considerations relating to the level of amenity likely to be experienced by future occupiers of the site and neighbouring properties. As a result, individual dwelling relationships and separations have been designed to ensure no adverse impacts by way of overlooking, overshadowing, visual intrusion or loss of privacy are likely between dwellings.

14.6 D) Housing Mix and Tenure

14.6.1 The NPPF refers to the objective to create mixed and balanced communities, and within this context, requires the size, type and tenure of housing needed for different groups to be assessed and reflected in local planning policies. Policy H10 of the Local Plan requires that on large sites, a significant proportion of market dwellings should be small properties.

14.6.2 The application proposes the same number of units and as to that of the extant schemes, however the housing mix has been changed.

The mix includes:

- 3 x two-bedroom dwellings
- 6 x three-bedroom dwelling
- 1 x four-bedroom dwelling

14.6.3 The development will provide a mix of dwelling types and sizes, which will create a sustainable, mixed and balanced community at the site and contribute to the range of house types and sizes in the local area.

14.6.4 It is National Planning Policy that for applications involving major development (10 or more units in total or sites of 0.5 hectares or more in area) the provision of on-site affordable housing is required.

14.6.5 It is acknowledged that no on-site or off-site affordable housing provision is proposed as part of the application which is contrary to policy. However, when one takes into consideration that history of the site which allows for 10 market dwellings, the lack of affordable units is not regarded to be significant as this would not be materially different to what can currently be built out even taking the increased number of bedrooms into consideration.

14.6.6 An commuted sum is to be agreed between the applicant and LPA with regards to the offsite affordable housing contribution. This is to be secured via a Section 106 Agreement.

14.6.7 On balance, it is thereby considered that the lack of specific on-site affordable housing is by no means a reason to refuse the scheme subject to an agreed sum provided via a s106 towards offsite affordable housing.

14.7 E) Neighbouring Amenity

- 14.7.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 14.7.2** The proposals have been designed such that all proposed dwellings comply with the Essex Design Guide requirements. The relative separation, orientation of the dwelling in respect to their relationship with adjoining properties are such that this ensures that high levels of amenity are achieved and there are no unacceptable impacts such as those identified in Policy GEN2.

14.8 F) Parking and Access

- 14.8.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 14.8.2** The existing access of Cornells Lane will provide the main ingress point in and out of the site. The location of the vehicle access will remain unchanged from that approved under the extant permissions. A shared driveway will extend up to the dwellings and lead to several parking courts where off street parking is provided for future residents.
- 14.8.3** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld. The application was consulted to the Lead Local Highway Authority who at the time of writing this report has made no comment.

It is noted that the proposal does not change the quantum of the development, it is changing the internal layout and bedrooms provided.

As such the Highways Authorities recommended conditions have been brought across from the previously approved application under (UTT/21/2649/FUL).

- 14.8.4** In terms of vehicle parking, developments are expected to provide offstreet vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards', which Requires the following:

- 1-no. off street parking space for a 1-bedroom dwelling,
- 2-no. off street parking spaces for either a 2 or 3-bedroom dwelling,
- 3-no. off street parking spaces for 4+ bedroom dwellings.

14.8.5 Parking spaces for all dwellings are provided in accordance with the UDC requirements. There is sufficient parking to provide the plots with a minimum of 2-no. off street parking spaces rising to 3-no parking spaces for the larger units. A total of 26 spaces have been provided, including visitor spaces.

14.8.6 The proposals would thereby comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.9 G) Landscaping, Open Space

14.9.1 All larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

14.9.2 The proposals would include the retention of hedgerows and trees along the boundaries of the site. The applicant stipulates that as with the extant permissions, it is proposed to plant new hedging and trees to separate the proposed gardens and further planting will also be created to screen parking areas so that they blend into the landscape.

14.9.3 This will help the development to define spaces and soften the building forms. It will also help to provide natural screening of the development and enhance the public realm in order to enrich the open spaces to achieve a better sense of wellbeing and place making for future residents.

14.10 H) Nature Conservation

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

14.10.2 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture.

14.10.3 The application is supported by an Ecology Survey report which has been reviewed by Places Services Ecology Officer. They concluded that they have reviewed all relevant documentation and surveys and that proposals would not result in harm to protected species and their habitats subject to securing the mitigation measures outline within the supporting

documentation and relevant conditions. The proposals would thereby comply with Policy GEN7 of the Adopted Local Plan and the NPPF.

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.

14.12 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 A check of the Environmental Agency's website and the Council's policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing.

14.12.3 In respect to drainage, the application is supported by a Flood Risk Assessment.

14.12.4 Essex County Council who are the lead local flooding authority have assessed the application, and providing there is not an increase in hardstanding, they do not object to the granting of planning permission.

documentation and confirm that having reviewed the Flood

14.12.5 Their previous conditions proposed under previously granted application (UTT/21/2649/FUL) have been attached to this application in order to ensure that appropriate sustainable drainage infrastructure is provided and to minimise the risk of flooding on the site and elsewhere. Subject to appropriate mitigation measure being put in place, the proposals comply with both Policy GEN3 and the NPPF.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

due regard to the advancement of equality in the exercise of its powers including planning powers.

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation:

16.2 The principle of the development of the site for residential is appropriate as it generally accords to the design values of the extant planning applications.

16.3 The dwellings would nestle into a largely contained and framed site, thereby resulting in a limited influence beyond the site itself and its immediate setting. The proposed development would not be harmful to the character and appearance of the landscape or local countryside.

16.4 The proposed he proposed design and scale are considered to be appropriate for this location.

16.5 The proposals provide an appropriate mix of housing. There is a request from Uttlesford's Housing Enabling Officer for affordable housing/contribution. As such this has been included within a s106 agreement.

16.6 No objections have been raised with regard to the impact on neighbouring dwellings.

- 16.7** The Highways Authority have not commented on the proposal, the conditions from the previously approved application are still relevant, the parking on the site is acceptable.
- 16.8** The proposed landscaping scheme is considered to be appropriate for this rural site.
- 16.9** Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.
- 16.10** No objections have been raised by Environmental Health.
- 16.11** The Lead Local Flood Authority (SuDS) have no objection towards the proposal.
- 16.12** Overall, the proposals are in accordance with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.13** It is therefore recommended that the application be approved subject to the suggested conditions below.

17. S106 / CONDITIONS

S106 Obligation Agreement – Heads of Terms

- 17.1** (i) Agreement and provision of a commuted sum contribution towards offsite affordable housing.
(ii) Pay the Council's reasonable legal costs.
(iii) Pay the monitoring fee.

17.2 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 constructed in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the works are carried out as assessed and in respect to the visual amenity of the areas in accordance with Policy GEN2 of the Adopted Local Plan.

- 3** Prior to any of the development hereby permitted is commenced, details of all materials to be used in the external finishing of the building shall be

submitted and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the appearance of the proposed development will reflect with the character of the surrounding locality in accordance with Policy GEN2 of the adopted Local Plan.

- 4 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:

- a) 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.
- b) Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- e) Final modelling and calculations for all areas of the drainage system.
- f) 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.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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 in accordance with Policy GEN3 and the NPPF.

- 5** 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 169 and paragraph 176 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 on accordance with Local Plan Policy GEN3 and the NPPF.

- 6** 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 in accordance with Policy GEN3 of the adopted Local Plan and the NPPF.

- 7** 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 in accordance with policy GEN3 of the adopted local plan and the NPPF.

- 8** Prior to occupation of the development the visibility splays, as shown on DWG no. 493x20D (dated 04/01/2021) under (UTT/21/2649/FUL), shall be provided and retained free of any obstruction in perpetuity.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with adopted Local Plan Policy GEN1 and the NPPF.

- 9** Prior to the occupation of any of the proposed dwellings, the proposed access arrangement shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway boundary, with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site and provided with an appropriate vehicular crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with adopted local plan policy GEN1 and the NPPF.

- 10** The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided.

The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety in accordance with adopted local plan policy GEN1, GEN8 and the NPPF.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with adopted local plan policy GEN1 and the NPPF.

- 12** 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 in accordance with adopted local plan policy GEN8 and the NPPF.

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

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

- 14** Each pond should be planted with dense marginal aquatic vegetation around the peripheries, and throughout the basin, to reduce the attractant to hazardous waterfowl and, in particular, breeding feral geese. The developer should demonstrate a commitment to the SUDs maintenance plan being in place for the lifetime of the site.

REASON: In the interests of flight safety in accordance with NPPF.

- 15** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Tree Protection Methodology BS 5837:2012 (A. R. Arbon, September 2021) and updated Ecology Report (A. R. Arbon, May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 16** The following sett closure shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:
a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998, policy GEN7 of the adopted local plan and the NPPF.

- 17** A Precautionary Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and Priority species and allow the LPA

to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021, Policy GEN7 of the adopted Local Plan and the NPPF

18 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) policy GEN7 of the adopted local plan and the NPPF.

19 Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal animals including bats and Badger and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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 (as amended) in accordance with Policy GEN7 of the adopted Local Plan and the NPPF.

APPENDIX 1 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

-----Original Message-----

From: Suds <suds.mail@essex.gov.uk>
Sent: Wednesday, May 29, 2024 1:18 PM
To: Planning <planning@uttlesford.gov.uk>
Subject: [External] >> RE: Consultation Response - UTT/24/1132/FUL (SUDS-007499)

Dear Mark,

Thank you for consulting us on UTT/24/1132/FUL - S73 application to vary condition 2 (approved plans) of UTT/21/2649/FUL.

If the changes relate exclusively to amendments to the internal floor plan arrangement, then we would have no comments to make on this S73 application. If, however, there is an increase in proposed hardstanding, then the SuDS Team would request that the drainage strategy is reviewed, and a note provided explaining how the drainage will be amended to account for any additional hardstanding.

Kind regards,

Gemma

Gemma Parson (she/her)
Development and Flood Risk Officer
Environment Climate Action | Climate & Adaptation | GI & SuDS

Adr: E1 County Hall, Chelmsford, Essex, CM1 1QH Essex County Council Essex County Council

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<https://url.uk.m.mimecastprotect.com/s/7I1iCqx7Bs9MZDTQ4TJQ?domain=essex.gov.uk>

-----Original Message-----

From: planning@uttlesford.gov.uk <planning@uttlesford.gov.uk>
Sent: Tuesday, April 30, 2024 1:05 PM
To: Suds <suds.mail@essex.gov.uk>
Subject: Planning Application Consultation - N UTT/24/1132/FUL (SUDS-007499)

CAUTION: This is an external email.

Please See Attached