



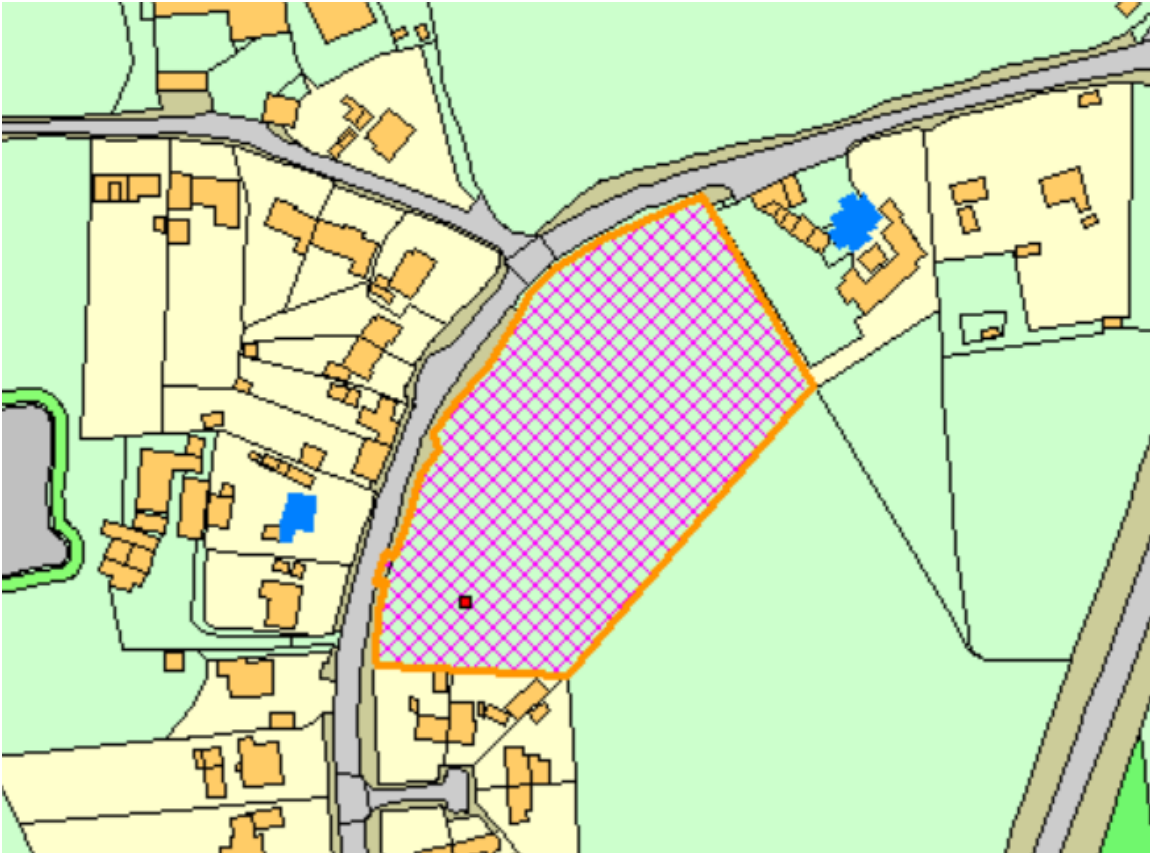
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 21 August 2024

REFERENCE NUMBER: UTT/24/0898/OP

LOCATION: Land To The North Of Mayes Place
Monk Street
Thaxted

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 05 August 2024

PROPOSAL: Outline application with all matters reserved for 6 no. dwellings

APPLICANT: Mr Yeldham

AGENT: Acorus Rural Property Services Ltd

**EXPIRY
DATE:** 27 July 2024

**EOT Expiry
Date** 30 August 2024

**CASE
OFFICER:** Timothy Cakebread

NOTATION: Outside Development Limits
Listed building Opposite.

**REASON
THIS
APPLICATION
IS ON THE
AGENDA:** Call in from Councillor Folley

1. **EXECUTIVE SUMMARY**

1.1 This proposal seeks outline planning permission for the erection of 6 dwellings, with all matters reserved.

1.2 The Council is unable to demonstrate a five-year housing supply and on balance this proposal would provide sustainable development. This would also include the benefit of a 10% biodiversity net gain on site. The benefits of the proposal would outweigh the harm caused to countryside and the less than significant harm to the settings of the heritage assets.

2. **RECOMMENDATION**

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

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

3.1 The site is 0.9 hectares and forms part of wider site which is currently in agricultural use. It is located in the hamlet of Monk Street which is within the parish of Thaxted.

3.2 Monk Street runs along the west and northern boundary with detached properties on the other side. To the north east is the Farmhouse Inn which is a hotel. To the east is an agricultural field in the applicant's ownership and that this does not form part of this proposal. To the south is Mayes Place cul-du-sack of semi-detached housing.

3.3 The level of the of the land is higher on the application site compared to the western side of Monk Street.

3.4 The site is located outside of the settlement boundary, is not within a Conservation Area (with no listed buildings) and has no other site designations. There are two Grade II listed buildings within the setting of the site, the Farmhouse Inn to the north and Glendale to the west of Monk Street. Two cottages to the north of Glendale are locally listed.

4. PROPOSAL

4.1 This proposal is for the principle of residential development for the delivery of up to 6 dwellings. The proposal has provided an indicative layout (Figure 1); however, these details will come forward as part of any subsequent Reserved Matters planning application.

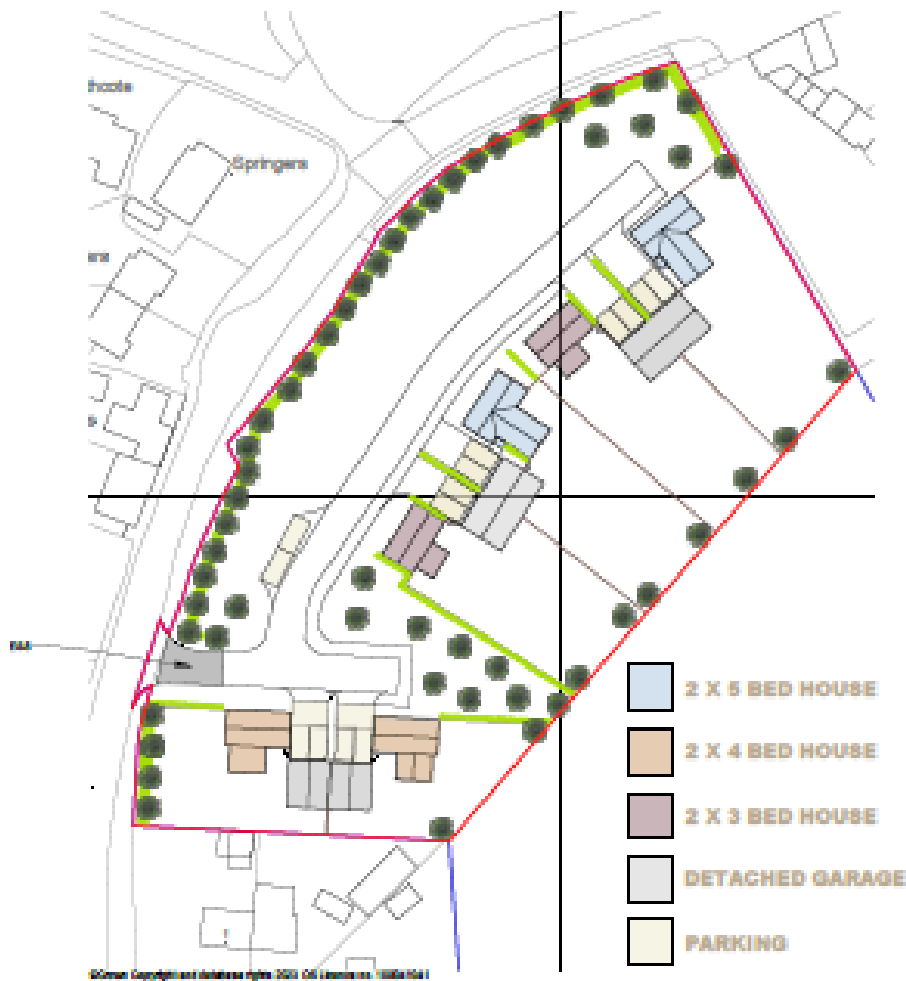


Figure 1 – Demonstrating the indicative proposed layout for the site

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 The table below does not include the discharge of conditions.

6.2

Reference	Proposal	Decision
UTT/22/0637/OP	Outline application with all matters reserved except access for the erection of 5 no. dwellings with associated vehicular access point, car parking, landscaping and associated infrastructure.	Refused- dismissed at appeal
UTT/21/1200/OP	Outline planning permission for the erection of 7 dwellings with associated parking and landscaping, with all matters reserved except for access.	Refused
UTT/20/3425/FUL	Monk Street Stables. Construction of 1no. single storey dwelling. (this is located to the south of Mayes Place)	Allowed on appeal
UTT/18/3090/OP	Land opposite Monks Street Farmhouse Outline planning permission with all matters reserved to construct 4 no dwellings with garages.	Refused- dismissed at appeal
DUN/0049/67	Site for residential development.	Refused

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

7.1 No pre-application advice was sought by the applicant prior to the submission of this application.

7.2 No community engagement has taken place prior to the submission of this application.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority – Commenting (Appendix 1)**

8.1.1 The Highway Authority has assessed and provided comment to the planning application on the basis of all matters reserved. The proposed access arrangement and indicative layout have not been considered by the Highway Authority. Should consent be granted for this outline application, the applicant must note that when submitting reserved matters application, it will be necessary to demonstrate that a safe and suitable access to all users can be provided, to the satisfaction of the Highway Authority, and is in accordance with current standards. Furthermore, the site and its internal layout shall be provided in accordance with that recommended in the Essex Design Guide.

9. PARISH COUNCIL COMMENTS

9.1 Thaxted Parish Council provided three responses to the consultation:

- 17 May 2024 – Parish Council are minded to support the proposal if the applicant amends the location of the visitors parking spaces and road layout to prevent access to the adjoining field at a later date.
- 20 June 2024 – Resolved to make no comment
- 28 June 2024 – Objecting, the revised plan does not provide sufficient assurance or change to reflect the parish Council's concerns raised under the previous consultation regarding the access road being extended at a future date.

9.2 The responses from the Parish Council focus on the indicative layout of the proposal. The full details of the proposal will come forward as part of a Reserved Matters application. Based on their response the Parish Council seem to conclude that the proposal is acceptable.

10. CONSULTEE RESPONSES

10.1 Places Services (Ecology) – No objection

10.1.1 We have reviewed the Preliminary Ecological Appraisal (Middlemarch Environmental, May 2021), Reptile and Badger Survey (Eco-check, September 2021), Letter of Reliance-Preliminary Ecological Appraisal, Reptile and Badger Surveys (Eco-check, March 2024), as well as Magic Maps (Magic Map Application (defra.gov.uk), the Small Sites Metric and aerial photographs to help identify the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. We have also reviewed the comments from the applicant in relation to our comments submitted on 7th May 2024 (Acorus, May 2024) and an email from the applicant dated 25th June 2024 (Acorus) in relation to our comments submitted on 24th June 2024.

10.1.2 Having reviewed the above documentation and with the recommended conditions we do not object to the proposal.

10.2 UDC Environmental Health – No objection

10.2.1 No objection subject to conditions

10.3 Places Services (Heritage) – Commenting

10.3.1 In my opinion, the revised layout of the dwellings (compared to the previous planning applications) does not overcome the concerns previously set out by the Inspector in that the development will sever the link between the heritage assets and the open landscape setting which makes a contribution to their significance. I consider this represents a low level of less than substantial harm to the significance of listed Glendale and the Farmhouse Inn and a low level of harm to the significance of the two non-designated cottages in terms of the National Planning Policy Framework (NPPF, December 2023), making paragraphs 205, 206, 208 and 209 relevant. The local planning authority should also have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. REPRESENTATIONS

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

11.2 There was a considerable number of responses from local neighbours both in support and against the proposal, which includes several updated responses following the amendments to the proposal and against comment received in support of the application (e.g. the availability of the school bus).

11.3 Support

- Clear need for more housing in the parish to enable our children and grandchild to live locally
- This will help support the local pub against a national backdrop of village pubs closing and other local businesses
- This is a sensitive infill of land as demonstrated successfully on other sites across the district
- Preference for small housing developments over large housing sites
- If houses are built within the keeping of the surrounding properties this will enhance the appearance of Monk Street
- Off street parking will not increase parking along Monk Street
- Proposal is in keeping with the small-scale development that has taken place in Monk Street and with the housing set back from the street this will not detract from the setting of the heritage assets

- Land is low grade agricultural land and will not cause significant loss to farming output
- There is an frequent/reliable bus service a short walk away which is considerably closer than other rural housing development sites in the district.
- There is a bus services for school children – it is incorrect that there isn't a service.
- Parish Council have given conditional support to the proposal subject to minor change. They represent all the interests of the parish and not just the minority. The changes to the application are positive to satisfy the Parish Council

11.4 Object

- Thaxted Neighbourhood Plan does not allocate this site for development and/or supports this proposal
- Site has previous history of refused planning applications (by both UDC and PINS) and the policy position has not changed, e.g. will erode the rural and undeveloped character of Monk Street, will not preserve the setting of heritage assets
- Lack of local services in Monk Street which requires car usage to visit services nearby as the hamlet has no direct public transport links.
- Monk Street frequently floods and the general drainage in the hamlet will be impacted by the loss of this land. When the road floods this creates major traffic problems. Adjacent property is below the existing ground level and suffers from flooding and this is likely to increase with this proposal. There is a high risk of surface level flooding on the site.
- Existing infrastructure has no capacity for this proposal (e.g. water, sewage, electricity). There are frequent sewage spills in Folly Mill Lane.
- Monk Street/Folly Mill Lane are dangerous, this will increase traffic putting more risk to pedestrians (who use the narrow footpath) and horses. It is also does not have any streetlights. Neither are wide enough for construction traffic
- Site is in active use for the production of food (last harvest was in summer of 2023). Applicant previously stated that the farming was uneconomic and a reduction in field (from the wider site) will presumably make the wider site uneconomical.
- Proposed access is on a bend which would be dangerous for traffic entering and exiting the site due to the national speed limit being 60mph.
- No direct footpath between Monk Street and Thaxted. There is an indirect footpath across fields which takes 45mins and is not always accessible

- Bus that run along B184 have been reduced in frequency especially since the 2022 planning application was refused by PINS
- Impact of proposal on existing flora and fauna. The existing arable use supports a range of wildlife
- Moving the proposed housing further from Monk Street to reduce the impact onto the heritage assets does not make the proposal more sustainable
- Proposal will not enhance the local economy; 6 houses is insignificant in relation to the overall needs of the Council and the 500 planned houses in Thaxted
- If this gets consent it will lead to a planning application for the remainder of the site in the applicant's ownership
- An updated Thaxted Neighbourhood Plan is due to be published in the summer and this site was considered for the plan but rejected
- Site should not be classified as being an infill
- Site was submitted as part of the call for sites for the emerging Local Plan and rejected
- Footpath to the bus stop frequently floods
- No school bus service for school aged children in Monk Street
- Bus stop to hail the buses is not lit and is a busy road.
- Council can demonstrate a 5 year housing land supply
- Revised response from Thaxted Parish Council objects to the proposal

11.5 In addition, the applicant has provided several responses in favour of the proposal, given he has a vested interest in the proposal his comments have been separated as follows:

- Local people struggling to get onto the housing ladder, generally chronic shortage of housing in the district and parish
- Site provides small scale sustainable development, keeping with the rural character of the area
- Thaxted needs to provide 500 new homes and outlying settlements need to contribute to this. Thaxted Neighbourhood Plan is out of date and no longer fit for purpose. It needs to provide more housing than when it was published
- Generous space of homes will maintain the rural scale of the development
- B184 has a regular bus service. It runs on an hourly basis both ways, 14 busses passing in each direction every day, totalling 28 busses. This is positive when compared to other rural development sites approved in the district which have no public transport access
- Site is obscured by large hedgerow and trees which will reduce the impact onto local residents

- Risk of flooding is low and proposal will put in adequate infrastructure
- Cutlers Green makes for a perfect comparison to Monk Street owing to its size, status, and proximity to Thaxted. It has similar if not slightly inferior transport links, yet it has added 10-15 homes in the last decade, contributing to the housing demand whilst retaining its rural nature.
- Monk Street has had one new build dwelling approved, in the last 30-40 years. It is simply not making a fair contribution to the housing demand.

11.6 The responses to the application demonstrate a significant local interest in application. The above representations are addressed in the report where material planning considerations are raised and most of these comments will be addressed as part of a subsequent Reserved Matters planning application.

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) 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.

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 Feb 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 19 July 2022)
- Saffron Walden Neighbourhood Plan (made 11 October 2022)
- Ashdon Neighbourhood Plan (made 6 December 2022)
- Great & 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
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- ENV2 – Development affecting listed buildings
- ENV3 – Open space and trees
- ENV5 – Protection of agricultural land
- ENV8 – Other landscape elements of importance for nature conservation
- H9 - Affordable Housing,
- H10 - Housing Mix
- ENV2 - Development affecting Listed Buildings

13.3 Thaxted Neighbourhood Plan

TX LSC1 - Protection of the countryside and rural setting of Thaxted
TX LSC2 – Protection and enhancement of the Landscape
TX LSC3 – Wildlife Habitats and landscape features
TX LSC4 – Development in Outlying Settlements
TX HD1 - Scale and Location of New Development
TX HD2 – Local Housing Needs
TX HD10 – Design Principles

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)
UDC Design Code (2024)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Background**
 - B) Principle of Development**
 - C) Other considerations**

14.3 A) Background

14.3.1 This site has had 2 previous outline planning applications (with all matters reserved other than access) refused by UDC and 1 was dismissed on appeal by the Planning Inspector. These applications were for 5 and 7 dwelling respectfully.

14.3.2 The most recent outline application (Ref. UTT/22/0637) was refused for the following reasons:

1. The proposal is contrary to the implementation of the adopted Uttlesford Local Plan - Policy S7, and Policies TXLSC4, TXLSC1, TXHD1, TXHD10 of the Made Thaxted Neighbourhood Plan 2019, and is not one of the identified allocated sites that are considered suitable for housing. The harm and policy conflict would significantly and demonstrably outweigh the proposals benefits. In light of the above, the principle of the proposed development appears to be unacceptable on grounds of sustainability and due to its unacceptable encroachment of built form within the immediate

area which would thereby cause harm to the beauty and intrinsic value of the countryside.

2. The proposal would adversely impact the setting of two heritage assets at Glendale and the Greyhound Public House; the cottages north of Glendale, The Cottage and Morten are also considered non-designated heritage assets. The proposals are considered contrary to Uttlesford Local Plan (adopted 2005) policy ENV2 and Thaxted Neighbourhood Plan (2017-2033) policies TX HD10, TX LSC4 and TX HD1. The proposals would result in the urbanisation of the rural locality and would adversely impact the setting of two designated heritage assets and two non-designated heritage assets, the level of harm being less than substantial and at the low end of the scale, Paragraph 202 of the NPPF (2021) being relevant. For that of Glendale this harm is towards the low middle of the spectrum. The setting of Glendale has been eroded through modern development and the proposal would result in cumulative change to the setting of the designated heritage asset, effectively severing the last link between the asset and an open landscape setting.

14.3.3 The Inspector considered that:

- The proposal would not accord with the housing strategy for the area in term of the location and Policy S7 does not comply with the NPPF. Limited weight to the conflict of the proposal to the housing strategy
- Local Plan polices are constraining supply of housing in the context that UDC cannot demonstrate a 5 year housing land supply
- Proposal will lead to high level of car usage and there would not be a reasonable choice of alternative sustainable modes of transport
- Significant harm would be caused to the character and appearance of the area
- Less than substantial harm would be caused to the setting of the designated heritage assets

14.3.4 On balance the Inspector considered that the proposal would neither accord with the Development Plan or NPPF and would not be sustainable development.

14.3.5 The landowner submitted the site as part of the Call for Sites process for the emerging Local Plan. This was for 27 units under Reference Thaxted 004. The Draft Housing and Employment Land Availability Assessment (October 2023) Stage 1 considered that the site was suitable/achievable subject to overcoming identified constraints (such as heritage which was given an amber rating). The site was then discounted at the Stage 2

assessment as the site was unable to deliver 100 homes or above individually or cumulatively with adjacent sites.

14.4 B) Principle of development

14.4.1 The application site is outside of the development limits of Thaxted and is within the countryside as classified under Policy S7 of the Local Plan. This policy states that development at this location will only be permitted if the appearance of the development protects or enhances the character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This could include infilling and while the policy mentions paragraph 6.13 (which relates to infilling within settlements), paragraph 6.14 states *'There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development'*.

14.4.2 Policy TX LSC1 of the Thaxted Neighbourhood Plan (TNP) states that the countryside will be protected for its intrinsic character and beauty and for its value as productive agricultural land and for recreational use and biodiversity. Policy TX LSC4 states that Monk Street is an outlying settlement, and this policy supports appropriate development on undeveloped infill sites between existing dwellings and development should have regard to the setting of heritage assets and character and appearance of the landscape. The supporting text under paragraph 5.6.2 states that Monk Street has generally no significant public facilities and development other than a very small scale would not be sustainable and could potentially change the rural character of Monk Street.

14.4.3 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

14.4.4 The 5-Year Housing Land Supply (5YHLS) figure has recently been updated to reflect the recent government update of the Housing Delivery Test (HDT). Paragraph 77 of the NPPF requires a 20% buffer to be added

to the LPA's housing requirement meaning that the current 5YHLS is now 4.50 years. Additionally, the proposals cannot be tested against a fully up-to-date Development Plan. Paragraph 14 (a) states that a Neighbourhood Plan is not up to date if it was part of the Development Plan 5 years before the date of the decision. The TNP was adopted in February 2019 which as of 1 August 2024 is over 5 years ago so is also out of date in respect of Paragraph 11 of the NPPF, but the TNP should remain a material consideration.

14.4.5 Despite UDC not having an up-to-date Development Plan the NPPF does not suggest that the policies of the Development Plan should be ignored or disapplied in such circumstances, instead requiring that the 'tilted balance' in paragraph 11 must be applied. It remains a matter of planning judgment for the decision-maker to determine the weight that should be given to the policies, including whether that weight may be reduced taking account of other material considerations that may apply, including the degree of any shortfall in the five-year housing supply.

14.4.6 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong, responsive and competitive economy), a social role (to support strong, vibrant and healthy communities) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment including making effective use of land). Paragraph 9 states these objectives are not criteria against which every decision can or should be judged but they provide guidance in reaching a position on sustainable development. This proposal is assessed against this guidance as follows:

- Economic - The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy because of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- Social - The NPPF identifies this to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering well designed beautiful and safe places, with accessible services and open spaces that reflect current and future

needs and support communities' health social and cultural well-being. The proposal would make a small contribution towards the delivery of the housing needed in the district. Monk Street is served by one public house and is located c1.5miles to the south of Thaxted which classified as a local centre. While there is no direct footpath to Thaxted along the busy B184 there is an indirect route through fields. Thaxted can be accessed either by car or via bus routes 313 & 314 which pass 14 times a day, 7 times in both directions along the B184. While Monk Street is not listed as a stop the bus can be caught by use of "hail and ride" between the designated stops at Duton Hill and Thaxted. There is an existing school bus service for connecting Monk Street children to the local schools. The access to the bus stop is via the unlit Monk Street Road and the applicant has suggested that an internal path could be created within the site reduce the walking distance along Monk Street which would be beneficial. While future occupiers are likely to use their private cars, given that this is a rural location, the frequency of buses is considered to be acceptable to paragraph 109 of the NPPF and Local Plan GEN1 which seeks to promote sustainable transport. This minor increase in people could help support the current and future frequency of the bus service. Paragraph 83 of the NPPF states to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities which may support services in adjacent settlements.

- Environmental - The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. The site is used for arable farming and the proposed Reserved Matters application will need to demonstrate an onsite biodiversity net gain of 10%. This application will also need to demonstrate how the design incorporates the guidance within the recently adopted District Wide Design Code SPD. The large size of the site will give the applicant space to mitigate the impact of the proposal onto the heritage assets and impact onto the countryside setting. This is supported by paragraph 180 of the NPPF which states that decision should contribute to and enhance the natural and local environment while providing net gains for biodiversity.

14.4.7 The principle of development on balance is considered to be acceptable on grounds of sustainable development. The Inspector as part of the previous refused appeal stated that Policy S7 is constraining the supply of housing, as UDC cannot demonstrate a 5 year housing land supply and

while the site is located outside of a settlement boundary the Thaxted Neighbourhood Plan provides guidance to support infill development subject to the impact onto heritage and landscape. The site is currently used for farming and will be required to provide a 10% increase of biodiversity on site which will help to mitigate the impact of the proposal onto the landscape and nearby heritage assets. The proposal would comply with Local and national guidance.

14.5 C) Other Considerations

14.4.1 This proposal is for all matters other than the principle of the proposal are reserved. Thus, the proposed layout of the site is indicative. The Reserved Matters application will provide these details to enable a full assessment to be undertaken.

14.4.2 The indicative layout of the proposal is demonstrated on Figure 1. The indicative layout has taken on board the following considerations.

14.4.3 Design, Housing Mix and Residential Amenity

14.4.4 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 Local Plan, Policy TX HD10 of the TNP and the new District Wide Design Code SPD.

14.4.5 The indicative plans do not provide details of the design and appearance of the dwellings.

14.4.6 The proposal consists of 2 units for each of the following mixes 3, 4 & 5 dwellings. The 2015 SHMA considers that market housing need is generally for 3 or more bed dwellings. The housing mix seems to be acceptable.

14.4.7 All of the units have generous private amenity space which seems to comply with the Essex Design Guidance.

- 14.4.8** The units are well set back from the existing residential units to the west of Monk Street but are adjacent Mayes Place to the south and the Farmhouse to the north and will require justification over the impact of the proposal onto these existing properties.
- 14.4.9** The supporting text to Policy H9 under paragraph 6.29 states that affordable housing will be '*sought on sites of 0.5 hectares or of 15 dwellings or more*'. The site is 0.9 hectares, 0.4 ha above the guidance cut off and does not include any affordable housing. The proposal is for up to 6 dwellings which is disproportionate against the Community Infrastructure Levy compliance thus there is no expectation for the delivery on affordable housing on site.
- 14.4.10** Heritage
- 14.4.11** Policy ENV 2 of the Local Plan seeks to protect the historical significance, preserve and enhance the setting of heritage assets.
- 14.4.12** 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. 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.
- 14.4.13** Paragraphs 200, 205 and 206 of the NPPF state: "*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*".
- 14.4.14** The site has no designated heritage assets but is adjacent to 2 Grade II listed buildings to the north (Farmhouse Inn) and west (Glendale). Two cottages to the north of Glendale are locally listed. The indicative layout demonstrates that the dwelling is set back from the edge of Monk Street but run up to the boarder with the Farmhouse Inn.
- 14.4.15** Place Services (Heritage) consider their response to the previously refused application remains relevant to this proposal, there advice is as follows:

'The site has historically remained open land, with infill development gradually infilling the west side of Monk Street. The exception is Mayes Place, a post-war cul-de-sac which is out of keeping with the rural character of the hamlet. Historic England guidance on The Setting of Heritage Assets (2017) identifies various attributes of setting which contribute to significance, including 'surrounding landscape, views, tranquillity, remoteness and land use'. The application site makes a positive contribution to the setting, experience and appreciation of Glendale and the non-designated heritage assets as rural workers' cottages, providing a rural context for the heritage assets. Glendale's context has changed with the gradual infilling of plots around it, meaning that the listed building is now experienced as part of a row of houses. Views towards the open land to its east are therefore its last connection to the wider agricultural landscape, although the mature hedging along Monk Street reduces this to some extent. The topography of the land, which rises to the east, would increase the impact of the proposed development by making it more prominent.

The Farmhouse Inn has remained relatively isolated and visually separated from the cluster of development on the west side of Monk Street. The agricultural land provides a rural context for the building as a country inn. The proposed development would bring domestic built form closer to the listed building, affecting its isolation and reducing the agricultural setting of the listed building'

- 14.4.16** Place services concluded that the proposal would have a low level of less than substantial harm to the significance of listed Glendale and the Farmhouse Inn and a low level of harm to the significance of the two non-designated cottages in terms of the NPPF.
- 14.4.17** Given the size of the site to the level of development there should be scope within the proposal to provide mitigation measures to further reduce the impact of the development onto the setting on the heritage assets and this should be explored in greater detail within the Reserved Matters application.
- 14.4.18** Highways & Access
- 14.4.19** Paragraph 114 (b) of the NPPF states that development should ensure that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 116 (c) states that development should 'create places that are safe, secure and attractive – which minimise the scope for

conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

- 14.4.20** 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.
- 14.4.21** The indicative layout provides a garage per dwelling and in addition two dedicated car parking space which seems to comply with both Essex and UDC Parking Standards. The layout has amended the location of the visitor parking spaces on request from Thaxted Parish Council.
- 14.4.22** While the internal road is not fixed the applicant has altered the layout of the road following the consultation response from Thaxted Parish Council.
- 14.4.23** The applicant has provided further information in respect of the public transport connections to the site/Monk Street which seem to provide a frequent service in consideration of the site being located in the rural areas as per guidance within the NPPF. The applicant has stated they could provide a shorter route to the bus stop along the B184 and are willing to make improvements to the bus stop on this route. The Reserved Matters application should provide the details of this.
- 14.4.24** The access is not fixed however while ECC Highways have not provided a full response (as nothing is fixed within this application) they previously stated that the location of this access for the previously refused planning application was acceptable subject to conditions.
- 14.4.25** Biodiversity
- 14.4.26** 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.
- 14.4.27** The application was submitted after the requirement for 10% Biodiversity Net Gain was introduced by the Government and the Reserved Matters will need to demonstrate this.

- 14.4.28** The site is in active farming use and is boarded by hedgerows and trees. The indicative layout seems to demonstrate a number of new trees along the borders (mitigating the impact of the proposal onto the setting on the adjacent residential units and heritage assets) and throughout the layout. The Reserved Matters application should provide greater detail of the landscaping.
- 14.4.29** Place Services (Ecology) have reviewed the proposed ecology reports and consider the proposal is acceptable subject to conditions.
- 14.4.30** Summary
- 14.4.31** The indicative layout provides comfort that the applicant is aware of the constraints to the site and is not delivering a high-density development, rather is delivering a low-density development with plenty of space for landscaping to mitigate the impacts of the proposal. The requirement for a 10% biodiversity net gain will provide further ecological enhancements to this site and for the betterment of wildlife in Monk Street.

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 principle of the development is on balance considered to be acceptable. It is considered that weight to be given to the requirement to provide a 5 YHLS and the housing provision which could be delivered by the proposal including the delivery of a 10% biodiversity net gain would outweigh the harm caused to countryside and the low less than significant harm to the settings of the heritage assets.

16.2 While the site is located within the countryside it is located in gap between parts of the existing built area of Monk Street and a low density housing scheme which is sensitive to the impacts onto the countryside and heritage assets should be possible.

16.3 All matters for the current application are reserved. Scale, layout, access, materials, and landscaping cannot therefore be properly assessed at this outline stage.

16.4 While the Local Plan and TNP are out of date they provide material considerations in support of the proposal in conjunction with guidance in the NPPF. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

17. CONDITIONS

1 Approval of the details of access, scale, layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with Policy GEN1 and GEN4 of the Uttlesford Local Plan (2005).

- 5** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Middlemarch Environmental, May 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve 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), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

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

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), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

- 7** Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist, 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, s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

- 8** Prior to commencement of development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the planning authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:
- a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
 - b) A management and monitoring plan for all offsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow LPA to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990 and Policy GEN7 of the Uttlesford Local Plan (2005).

- 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.

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

- 10** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 11** 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:

- Limiting discharge rates to 2.69l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 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.
- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

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 constr surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In accordance with ULP Policy GEN3 and the NPPF.

12 Prior to the commencement of the development hereby approved 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 163 and paragraph 170 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.

In accordance with ULP Policy GEN3 and the NPPF.

13 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.

In accordance with ULP Policy GEN3 and the NPPF

- 14** Prior to the occupation of the development hereby approved, a lighting design scheme for biodiversity and amenity 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.

Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

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. Also in order to protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

- 15** 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.

Prior to occupation 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.

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

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.

- 16** The development shall be constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal night noise levels of 30dB LAeq,T for living rooms and bedrooms with windows open (or closed with provided acoustic mechanical ventilation including heat recovery). For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax. Maximum living room day (07.00-23.00 hrs) noise levels of 35 dB LAeq shall be achieved

REASON: To protect human health and ensure the future occupiers enjoy a good acoustic environment, in accordance with the adopted Uttlesford Local Plan Policy ENV10, and the National Planning Policy Framework (2023).

Appendix 1 – Highways

Subject: [External] >> UTT/24/0898/OP - Highway Response- (50441-4A)

UTT/24/0898/OP|Outline application with all matters reserved for 6 no. dwellings|Land To The North Of
Mayes Place Monk Street Thaxted Essex

Dear Madeleine,

The Highway Authority has assessed and provided comment to the planning application on the basis of all matters reserved. The proposed access arrangement and indicative layout have not been considered by the Highway Authority. Should consent be granted for this outline application, the applicant must note that when submitting reserved matters application, it will be necessary to demonstrate that a safe and suitable access to all users can be provided, to the satisfaction of the Highway Authority, and is in accordance with current standards. Furthermore, the site and its internal layout shall be provided in accordance with that recommended in the Essex Design Guide.

Kind regards

Eirini Spyratou | Strategic Development Officer



SAFER / GREENER / HEALTHIER