

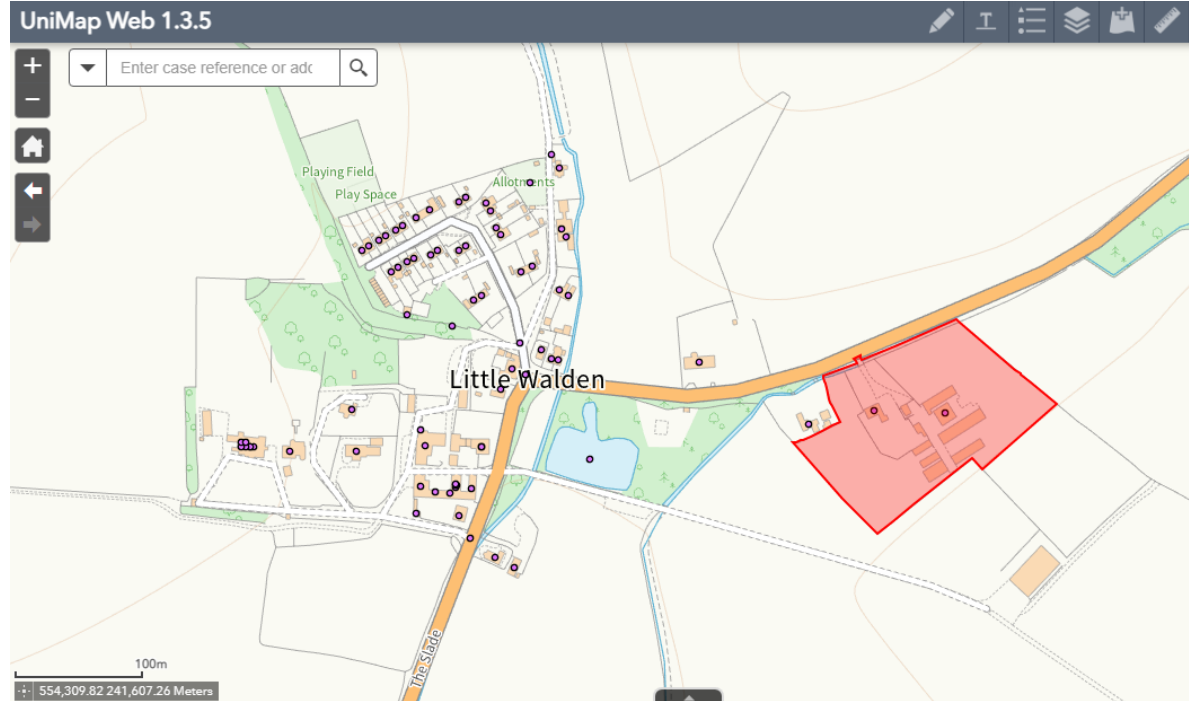
**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 12 March 2025

**REFERENCE NUMBER:** UTT/24/1961/FUL

**LOCATION:** Stald Farm  
Little Walden Road  
Saffron Walden  
Essex  
CB10 1XA

# SITE LOCATION PLAN:



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Organisation: Uttlesford District Council      Date: February 2025

**PROPOSAL:** Demolition and redevelopment of existing farm buildings to create 11 no. new dwellings and the refurbishment of the existing farmhouse to create a total of 12 no. homes (Class C3), with associated amenity space, parking and landscaping.

**APPLICANT:** Global Consolidated Contractors Int.

**AGENTS:** Mr A Martin (Andrew Martin Planning Ltd)  
Mr I Butcher (Andrew Martin Planning Ltd)

**EXPIRY DATE:** 13 November 2024

**EOT EXPIRY DATE:** 17 March 2025

**CASE OFFICER:** Mr Avgerinos Vlachos

**NOTATION:** Outside Development Limits.  
Road Classification (Hadstock Road – B Road).  
Within 2km of SSSI.  
Gas Pipeline Buffers.  
Public Rights of Way (Footpaths, Bridleways, Byways).

**REASON THIS APPLICATION IS ON THE AGENDA:** Major application.

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## **1. EXECUTIVE SUMMARY**

**1.1** This is a full planning application for the demolition and redevelopment of existing farm buildings to create 11 no. new dwellings and the refurbishment of the existing farmhouse to create a total of 12 no. homes (use class C3), with associated amenity space, parking and landscaping. The application proposes a financial contribution in lieu of affordable units. The application site is outside development limits on the eastern edge of Little Walden. The housing land supply position of the council, its housing delivery test performance and its Local Plan not being up-to-date compels engagement with the presumption in favour of sustainable development in paragraph 11(d) of the NPPF.

**1.2** The application site includes Stald Farmhouse (use class C3) and another 9 no. buildings used for commercial purposes (use class E(g)) during the 1980s and 1990s. The majority of the site is previously developed land, as the residential and commercial uses have been lawfully implemented.

The proposals will lead to loss of employment land and develop houses in a location that offers poor accessibility to services and public transport. However, the NPPF strongly supports making effective use of land, by using previously developed land and by promoting the development of under-utilised land, especially if this would help to meet identified needs for housing. Therefore, the principle of development is, on balance, acceptable.

- 1.3** In response to the rural character, the application applies the principles of 'Arcadia' (as set out in the Essex Design Guide), including low densities and the use of meandering routes with buildings hidden in a dominant landscape, so that the visitor is more aware of the landscape than the houses themselves. Although the proposals would be true to the Arcadian approach, and preserve the loose development pattern on this part of the village, the scale of the proposed buildings would be excessive for this location, and out of character, making the development visually dominant in the landscape, and result in harm to the character and appearance of the area.
- 1.4** The development would not provide an appropriate housing mix measured against up-to-date local evidence of housing need for different groups in the community. The application would also fail to provide a mechanism to secure the necessary planning obligation, however, this could be addressed by way of a suitable Section 106 agreement.
- 1.5** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposals would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The planning balance would be against the development.

**2. RECOMMENDATION**

That the Strategic Director of Planning be authorised to <b>REFUSE</b> for the reasons set out in section 17.
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site comprises a 2-storey, detached dwelling (Stald Farmhouse) and 9 no. single storey former agricultural buildings, located outside development limits on the eastern edge of Little Walden. The existing buildings changed use into commercial uses (use class E(g)) during the 1980s and 1990s and are still in use. Access to the site from B1052 (class B road) is through a concrete crossover and internal driveway. To the south-east of the site is a paddock under the applicant's control. The landscape is dominated by agricultural fields, which make the eastern boundary of the site, the visual and physical edge to eastern Little

Walden. The site and existing buildings can be viewed from public rights of way in the area. The area contains a rural character with dwellings of varying architectural styles, sizes, ages and materials, as well as a loose development pattern on this side of the village.

#### **4. PROPOSAL**

**4.1** This is a full planning application for the demolition and redevelopment of existing farm buildings to create 11 no. new dwellings and the refurbishment of the existing farmhouse to create a total of 12 no. homes (use class C3), with associated amenity space, parking and landscaping. The application proposes a financial contribution in lieu of affordable units.

**4.2** The application includes the following supporting documents:





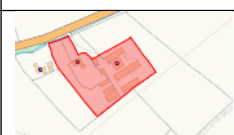
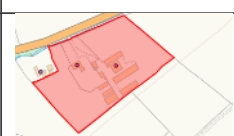
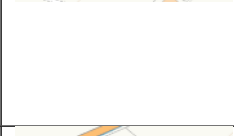

- Superseded application form
- Biodiversity checklist
- Arboricultural report
- Superseded BNG assessment
- Design and access statement
- Energy strategy report
- Flood risk assessment
- Ground investigation report
- Landscape and visual appraisal
- Landscape and visual appraisal Appendix
- Landscape implementation and management plan
- Landscape strategy
- Preliminary ecological appraisal
- Superseded planning statement
- Revised planning statement
- Transport statement
- Utility report
- SUDS checklist
- BNG metric
- Revised BNG assessment
- BNG calculation tool
- Great crested newts (Response to ecology)
- Drainage modelling
- Response to SUDS
- Revised application form.

#### **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**

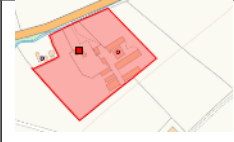
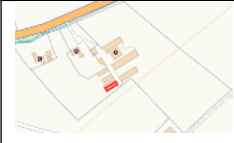

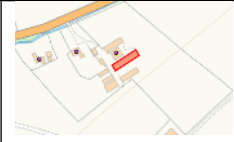


**6.1** *History of the dwelling (Stald Farmhouse):*

<b>Reference</b>	<b>Proposal</b>	<b>Site</b>	<b>Decision</b>
SWB/0042/49	Erection of bungalow (revised plan dated Sept 1949).		Unconditional approval (13.10.1949)
SWB/0029/49	Erection of a bungalow.		Approved with conditions (15.07.1949)
SWB/0009/69	Conversion of roof space to bedrooms.		Unconditional approval (14.05.1969)
SWB/0179/72	Extension to form utility room and alterations.		Approved with conditions (18.01.1973)
UTT/0410/80	Extension of dwelling to form 2 bedrooms.		Approved with conditions (21.05.1980)
UTT/0652/90	Proposed extensions and alterations including new garage. Alterations to existing access.		Approved with conditions (25.06.1990)
UTT/1158/90	Proposed 2-storey extension with replacement garage. Alteration to existing access.		Approved with conditions (18.09.1990)
UTT/1439/91	Proposed replacement dwelling.		Approved with conditions (30.01.1992)

## 6.2

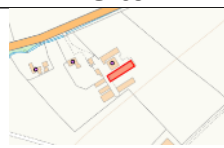
### *History of the commercial buildings:*

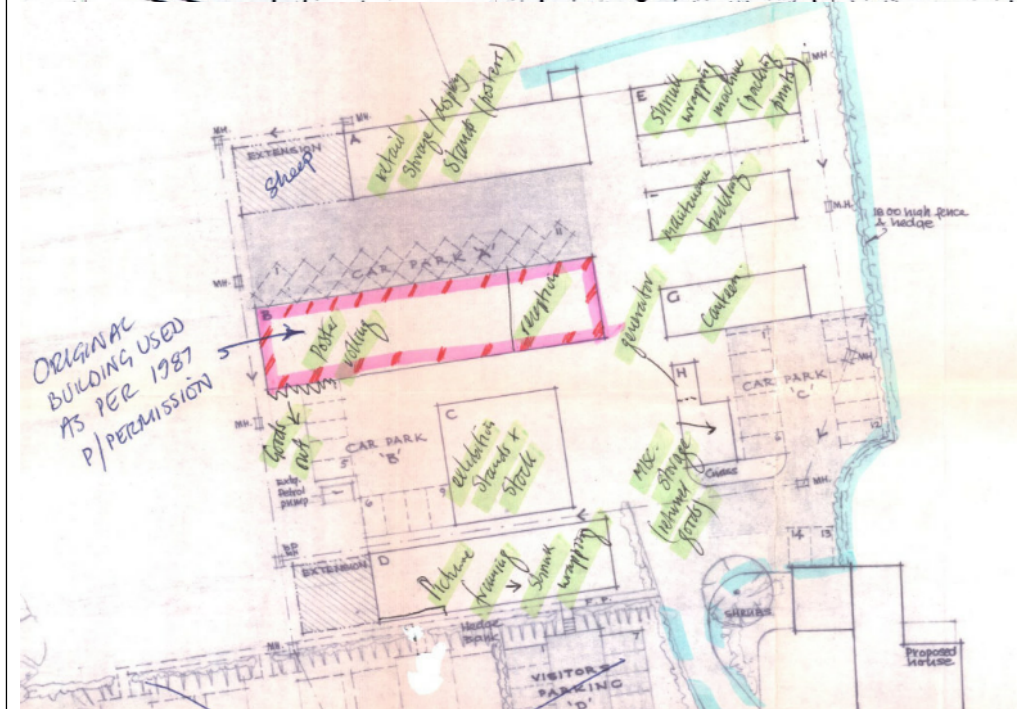
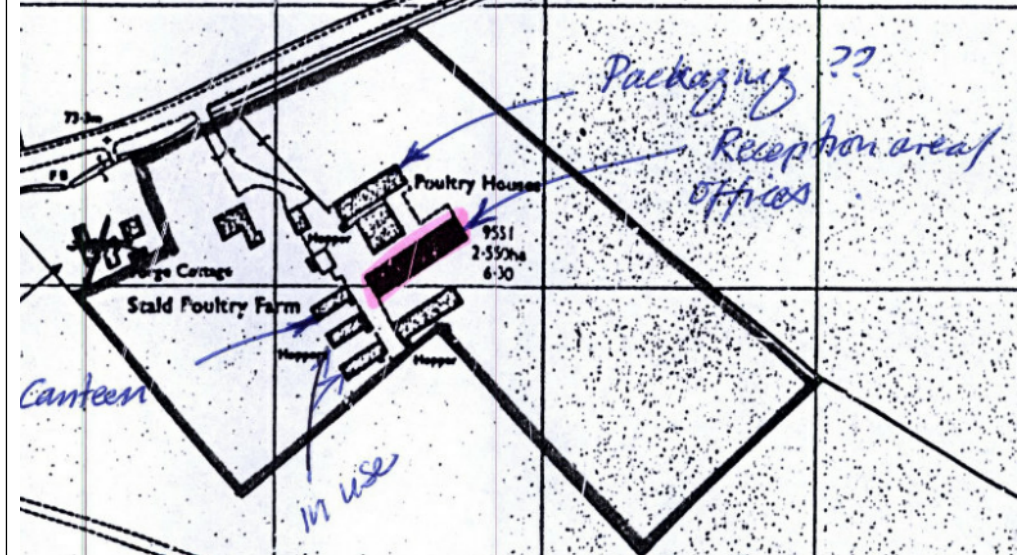
<b>Reference</b>	<b>Proposal</b>	<b>Site</b>	<b>Decision</b>
SWB/0141/71	Proposed R.C portal framed building.		Approved with conditions (15.03.1972)

SWB/0096/73	Erection of <b>poultry laying house</b> .		Approved with conditions (31.08.1973)
UTT/0431/85	Change of use from barn used as a battery house to a <b>cattery</b> .		Approved with conditions (24.05.1985)
UTT/1634/86	One building to be used for <b>repairing</b> tarpaulins remaining buildings and land to remain the same.		Approved with conditions (25.02.1987) – <b>'light industrial'</b> (condition 7)
UTT/0425/87	Change of use to <b>storage and packing</b> of posters and other printed materials.		Approved with conditions (26.06.1987) – alternative permission to UTT/1634/86 (condition 7)
UTT/0704/88	Proposed external runs and heated cabins enclosed walkway for <b>cattery</b> .		Approved with conditions (16.06.1988)
UTT/0580/98/FUL	Retention of use of agricultural buildings for <b>light industrial (B1)</b> purposes. Removal of condition 5 (personal permission) from planning permission UTT/0425/87 (change of use to storage and packing of posters and other printed materials).		Approved with conditions (28.07.1998)

6.3

Enforcement investigation:

Reference	Complaint	Site	Decision
ENF/90/97/D	Use of building(s) for business purposes.		Compliant and closed (10.08.1998)



**7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 Paragraph 40 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.



7.2 Pre-application discussions (UTT/23/2426/PA) have been held with officers of Uttlesford District Council prior to the application's submission. The key messages conveyed to the applicants with the pre-app included the following:

- Focus development on previously developed land (not spread development further south-east).
- Demonstrate a planning balance in favour of the development, taking into account the loss of employment land.
- Confirm measurements and uses for existing and proposed buildings.
- Support to the redevelopment of the site in principle subject to appropriate density and height for the dwellings.
- Design should consider the Uttlesford District-Wide Design Code (2024), take architectural references from local historic buildings in Little Walden and a farm-style theme.
- Provide 3-D and wire line drawings.
- Not encroach into flood zones 2 and 3 with built form.
- Submissions should discuss heritage significance and impacts.
- A contribution can be provided in lieu of affordable units on this location.
- Housing mix should reflect recent evidence as the main policy is not up-to-date.

7.3 A statement of community involvement has not been submitted with the application but interested parties were consulted and their comments considered as part of the planning assessment below. The applicants however engaged with the local planning authority, as explained above.

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

### 8.1 **Highway Authority**

8.1.1 No objections subject to conditions (see full response in Appendix 1).

### 8.2 **Health & Safety Executive**

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

### 8.3 **Local Flood Authority**

8.3.1 No objections subject to conditions (see full response in Appendix 2).

## 9. **TOWN COUNCIL COMMENTS**

- 9.1
- **Object:**
    - Resolved: To object to the proposal due to:
      - i. Poor transport and access linkages, acknowledging the scheme does not promote or support sustainable transport measures, breaching SW12.
      - ii. The poor housing mix which must comply with SWNP SW1.

- iii. The proposals demonstrate over development particularly in an unsustainable location.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

**10.1.1** In view of the location of the site an off-site affordable housing contribution is acceptable and should be calculated as per the SPD Developer Contributions.

### **10.2 UDC Environmental Health**

**10.2.1** No objections subject to conditions.

### **10.3 UDC Landscape Officer/Arborist**

- 10.3.1**
- Concerns with the layout.
  - Remove risks to existing trees.
  - Thinning the tree buffer zone would not be appropriate without justification.
  - Cycle parking and bin storage not shown on the drawings.

### **10.4 Place Services (Conservation and Heritage)**

**10.4.1** No objections unconditionally.

### **10.5 Place Services (Ecology)**

**10.5.1** No objections subject to conditions, including biodiversity net gain (statutory condition).

### **10.6 Place Services (Archaeology)**

**10.6.1** No objections subject to conditions.

### **10.7 Crime Prevention Officer (Essex Police)**

**10.7.1** No apparent concerns with the layout and requested the details of proposed lighting, boundary treatments and physical security measures to provide further comments. However, some of these details have been submitted with the application or would be conditioned (e.g. external lighting scheme) if the scheme were acceptable

### **10.8 Uttlesford (Urban Design)**

- 10.8.1**
- No concerns with the layout of the site or the architectural style of the proposed dwellings.
  - Design quality of houses is good with local materials and vernacular details.

- Landscaping strategy is clear.
- Design and layout adhere to the Arcadian principles.
- Sustainability of the site is questionable.
- Rural and picturesque approach seems at odds with the site's agricultural history and location.
- Density in accordance with the Arcadian principles.
- Inappropriate scale and size of proposed dwellings.

**10.9 Anglian Water**

10.9.1 No comments.

**10.10 Affinity Water**

10.10.1 No comments.

**11. REPRESENTATIONS**

11.1 A site notice was displayed near the site and notification letters were sent to nearby properties. The application was advertised in the local press.

**11.2 Support**

11.2.1 No letters of support were received.

**11.3 Object**

11.3.1 The following comments were received:

- Insufficient infrastructure.
- Flood risk, drainage and sewage concerns.
- Concerns over future development/precedent.
- Disproportionate size of development.
- Adversely affects Forge Cottage.
- Flood issues locally.
- Need for affordable homes locally, not payment in lieu.
- BNG benefit to be achieved elsewhere.
- Highway safety concerns.
- Traffic increase / congestion.
- Lack of benefits for the village community.
- Fails to comply with national and local policies.
- Not sustainable development / location.
- Visual impact on the rural landscape.
- Inappropriate density, style and height.
- Absence of smaller housing.
- Inappropriate location and scale.
- Loss of biodiversity.
- Lack of archaeological information.
- Increased flood risk and inadequate flood prevention measures.
- Little Walden is small rural hamlet.

- Busy road and junction from science park traffic.
- Poor road condition.
- Loss of privacy and overlooking.
- Loss of amenity for neighbours.
- Lack of information about boundary treatments.
- Existing buildings are low level.
- 2- and 3-storey dwellings proposed.
- More than doubled footprint.
- Previously developed land.
- Inappropriate quantum and layout.
- Lack of public transport and amenities.
- Unjustified conclusions in the Landscape Visual Appraisal.
- Landscape Visual Appraisal done in summer.
- Existing buildings barely visible.
- Noise, dust and other disturbances.
- Lack of footpaths.
- Reliance on cars.
- Dew pond.
- Conditions necessary if approved.
- Site visible from the road, public rights of way.
- Trees to be removed or thinned.
- Commercial vehicle movements limited now.
- Loss of employment.
- Detrimental to demographic diversity / inappropriate housing mix.
- Lack of public space.
- No engagement with local community.
- Contributions necessary (footways, village hall, playground).
- Overdevelopment of the site.
- Loss of identity for the village.
- Urbanising effects.
- Harm to the countryside character and appearance of the area.
- Latest Housing Needs Assessment shows inappropriate housing mix.
- SUDS necessary.
- Road that leads nowhere / paddock.
- Out of proportion with the size and nature of the village.
- River section downstream in special measures by the Environment Agency for domestic sewage flows.
- Rowley Hill Farm appeal decision (sustainability issues).
- Site ownership not clear.

## **11.4 Neutral**

### **11.4.1** The following comments were received:

- Close to farmyard and grain store.
- Grain store positioned outside the village to reduce noise.
- Noise assessment necessary.
- Health and safety concerns due to proximity to working farm.

- Fencing sufficient to stop residents entering the yard.
- SUDS response – riparian owners consent required.

## **11.5 Comment**

**11.5.1** All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues, the impact of the proposals on property values in the area, issues around the deliverability of a planning permission and some others are civil matters beyond planning.

## **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision must be taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations which are discussed in this 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 states that “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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)  
 Uttlesford Design Code (adopted July 2024)  
 Felsted Neighbourhood Plan (made February 2020)  
 Great Dunmow Neighbourhood Plan (made December 2016)  
 Newport, Quendon and Rickling Neighbourhood Plan (made June 2021)  
 Thaxted Neighbourhood Plan (made February 2019)  
 Stebbing Neighbourhood Plan (made July 2022)

Saffron Walden Neighbourhood Plan (made October 2022)  
 Ashdon Neighbourhood Plan (made December 2022)  
 Great & Little Chesterford Neighbourhood Plan (made February 2023).

### **13. POLICY**

#### **13.1 National Policies**

13.1.1 National Planning Policy Framework (December 2024).

#### **13.2 Uttlesford District Local Plan (2005)**

13.2.1	S7	The Countryside
	E2	Safeguarding Employment Land
	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
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV8	Other Landscape Elements of Importance for Nature Conservation
	ENV10	Noise Sensitive Development
	ENV11	Noise Generators
	ENV12	Groundwater Protection
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated Land

#### **13.3 Saffron Walden Neighbourhood Plan (2022)**

13.3.1 Saffron Walden Neighbourhood Plan was 'made' on 11 October 2022. The following policies were considered:

SW1	Housing Mix on New Developments
SW2	Affordable Housing
SW3	Design
SW4	Parking on New Developments
SW11	Ecological Requirements for All New Domestic and Commercial Developments
SW12	Promoting Walking and Cycling
SW18	Public Rights of Way

## **13.4 Supplementary Planning Documents or Guidance**

- 13.4.1** Parking Guidance – Part 1: Parking Standards Design and Good Practice (September 2024)  
Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document – Accessible homes and playspace (2025)  
Supplementary Planning Document – Developer’s contributions (2023)  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)  
Supplementary Planning Document – Uttlesford District-Wide Design Code (2024).

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A Principle of development (S7, GEN1, E2, ENV5, H1, SW12, SPD Uttlesford District-Wide Design Code, NPPF)**
  - B Character and appearance (S7, GEN2, ENV3, SW3, SW18, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, NPPF)**
  - C Heritage impacts / Climate change (ENV2, SW3, Interim Climate Change Planning Policy, NPPF)**
  - D Housing mix / Affordable housing (H10, H9, SW1, SW2, NPPF)**
  - E Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
  - F Access and parking (GEN1, GEN8, SW4, parking standards, NPPF)**
  - G Ecology (GEN7, ENV8, SW11, NPPF)**
  - H Contamination (ENV14, ENV12, ENV13, NPPF)**
  - I Archaeology (ENV4, NPPF)**
  - J Flood risk and drainage (GEN3, SW3, SW11, NPPF)**
  - K Planning obligations (GEN6, SPD Developer’s Contributions)**
  - L Other matters**
  - M Paragraph 11(d) and planning balance**

### **14.3 A) Principle of development**

#### **14.3.1 Emerging local plan and housing land supply:**

As of 06 January 2025, the Council can demonstrate **3.46 years** of housing land supply (which includes a 20% buffer). With the Housing Delivery Test (HDT) being at 69%, the situations of Footnote 8 (NPPF) apply, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. The age of the adopted Local Plan further supports this. Finally, the emerging Local Plan was submitted to the Secretary of State on 18 December 2024 but due to its stage of preparation and as the

proposed strategy has not been tested at examination, it should be afforded **limited** weight.

**14.3.2** Background:

The existing dwelling on site (Stald Farmhouse) was first erected as a bungalow in the late 1940s (SWB/0029/49) and went through various extensions and alterations until its replacement with a 2-storey dwelling in the early 1990s (UTT/1439/91).

**14.3.3** The site also includes another 9 no. buildings concentrated around an internal, hard-surfaced driveway. These buildings were erected as agricultural facilities (poultry farming) in the 1970s (SWB/0096/73, SWB/0141/71) and gradually, during the 1980s and 1990s, changed use into commercial uses, including 'light industrial' (formerly B1 use class, now E(g) – UTT/0580/98/FUL). An enforcement investigation (ENF/90/97/D) was also concluded in 1998 after finding that the use of the buildings for business purposes was lawful given the retrospective permission granted in UTT/0580/98/FUL (see site plan below).



**14.3.4** Considering the above, the buildings cannot be considered ancillary to the dwelling and the site has mixed uses, including a residential planning unit and a commercial planning unit (with separate business in it).

**14.3.5** Potential fallback position:

Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows changes of use to residential, which might offer a fallback position to the proposed development:

- *Class G (commercial, business and service or betting office or pay day loan shop to mixed use):*

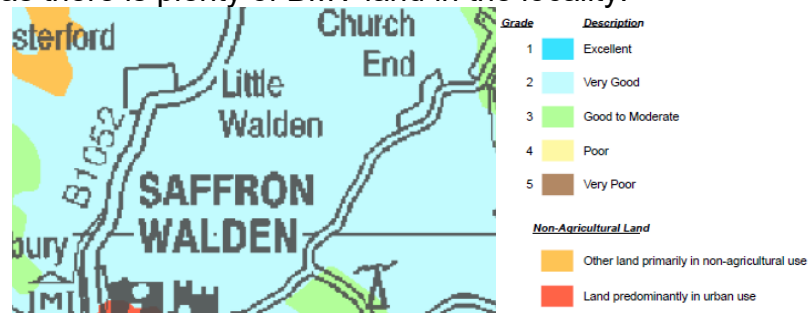
This is not a fallback position. The existing buildings are single storey and would not be able to accommodate up to two flats situated below the lowest part of the building used as a flat.



- **Class MA (commercial, business and service uses to dwellinghouses):**  
Subject to appropriate evidence (i.e. to show that the use of the buildings fell within use class E for a continuous period of at least 2 years prior to the date of the application for prior approval), there could be a potential fallback position for up to 9 no. dwellings.  
However, there is no legal fallback use, as the applicant cannot lawfully undertake the residential use without a new planning permission to ensure the dwellings will have appropriate natural light, as any alterations to the buildings would not be permitted development under Class MA and would require a separate planning permission.  
Therefore, there is no real prospect (i.e. mere possibility) that the residential use will be happening given the existing elevations of the buildings and this potential fallback position will be afforded **limited** weight.
- **Class PA (premises in light industrial use to dwellinghouses):**  
This is not a fallback position. The right effectively expired on 01 October 2020.
- **Class Q (buildings on agricultural units and former agricultural buildings to dwellinghouses):**  
This is not a fallback position. The buildings were part of an established agricultural unit but since ceasing to be part of it, the site has been used for non-agricultural purposes (see UTT/0580/98/FUL, ENF/90/97/D).

#### 14.3.6 Agricultural land:

A small part of the site (east) comprises Grade 2 ('Very Good' quality) agricultural land, being part of the district's best and most versatile agricultural land (BMV). The loss of BMV land would conflict with policy ENV5 of the Local Plan. Notwithstanding that policy ENV5 is consistent with paragraph 187(b) of the NPPF, this conflict would be afforded **limited** weight as there is plenty of BMV land in the locality.



#### 14.3.7 Employment land and local economy:

Policy E2 of the Local Plan safeguards employment land, recognising that the strength of the residential market has led to proposals for residential re-development of some employment sites (see paragraph 4.11 of the Local Plan). The second part of this policy states that the development of employment land for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area.

- 14.3.8** Paragraph 85 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt; and paragraph 89 states that decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas. In seeking to safeguard key and non-key employment areas, policy E2 of the local Plan would accord with paragraphs 85, 89 of the NPPF.
- 14.3.9** However, paragraph 127 of the NPPF advises that decisions need to reflect changes in the demand for land. Recent evidence for the Reg19 emerging Local Plan showed that “*Historic take-up data shows a strong preference for industrial type business to be located in the broad Stansted proximity where it can access the M11, population centres at Bishop’s Stortford and supply chain and business benefits of Stansted Airport*” and recommended “*that more land is allocated in the Stansted vicinity*”<sup>1</sup>. Paragraph 128 of the NPPF states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs and should support proposals to (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites. Policy E2 of the local Plan would not be consistent with paragraphs 127, 128 of the NPPF.
- 14.3.10** Therefore, policy E2 of the Local Plan is partially consistent and partially inconsistent with the NPPF and its weight in decision-making shall vary depending on a case-by-case assessment (by virtue of paragraph 232 of the NPPF).
- 14.3.11** In this case, the loss of employment land and 5 no. full-time jobs<sup>2</sup> would conflict with policy E2 because the employment use has not been abandoned<sup>3</sup> and the present use does not harm the character of the area (as the buildings are low-key). However, given the current 5YHLS that expresses a high housing demand; the recent evidence for reducing commercial demand far from key infrastructure and the Stansted area; and the existing small employment site in Hall Farm, Little Walden<sup>4</sup>, the conflict with policy E2 of the Local Plan shall be afforded **limited** weight on these circumstances.
- 14.3.12** Finally, the proposals would provide a **moderate** contribution towards the wider local economy during the development phase via potential employment for local builders and suppliers of materials. They would also make a **moderate** contribution post-construction via use of local services in the village or in nearby villages, complying with paragraph 83 of the NPPF.

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<sup>1</sup> Uttlesford Employment Needs Update – Final Report (September 2023), paragraph 6.13.

<sup>2</sup> See Application form.

<sup>3</sup> Within the meaning set out by the courts in *Trustees of Castell-y-Mynach Estate v SSW [1985] JPL 40* and other authorities.

<sup>4</sup> Uttlesford Employment Land Review – Final Report (June 2024), p.100.

**14.3.13** Previously developed land:

The majority of the site is previously developed land as the residential and commercial uses have been lawfully implemented (UTT/1439/91, UTT/0580/98/FUL, ENF/90/97/D). The proposals accord with policy H1(c) of the Local Plan which supports the re-use of previously developed land outside urban areas. Although this is the main housing policy in the current Local Plan whose housing strategy is no longer up-to-date, it reflects the direction for policies in paragraph 124 of the NPPF to make as much use as possible of previously-developed or 'brownfield' land. Therefore, this policy compliance shall be afforded **significant** weight.

**14.3.14** The proposals would gain **significant** support from paragraphs 124 and 125(d) of the NPPF that require decisions to promote an effective use of land in meeting the need for homes and other uses and to promote the development of under-utilised land if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. The land is under-utilised given that some of the commercial units are not actively used and there is excess land to the sides of the commercial units and outside the residential garden of Stald Farmhouse.

**14.3.15** The proposals would also gain **significant** support from paragraphs 127 and 128 (see paragraph 14.3.9 above) in assisting to meet the identified high housing demand in the district, as well as from paragraph 129 of the NPPF that requires planning decisions to support development that makes efficient use of land subject to some criteria; the proposals would comply with the first part of paragraph 129, which is the only paragraph from chapter 11 of the NPPF mentioned in footnote 9 of paragraph 11(d)(ii) of the NPPF.

**14.3.16** Therefore, the proposals would make more effective/efficient use of the land, which is a key policy that shall be given particular regard in the planning balance under paragraph 11(d)(ii) of the NPPF.

**14.3.17** Location (position):

Case law<sup>5</sup> defined 'isolation' as the spatial/physical separation from a housing settlement or hamlet, as a matter of fact and planning judgement, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated due to its proximity to existing dwellings (Forge Cottage, Poplar Hall), extant dwellings (Little Walden Reservoir) and the village of Little Walden. Paragraph 84 of the NPPF is not applicable.

**14.3.18** Paragraph 6.14 of the Local Plan allows "*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*" if the development is in character with the surroundings and have limited impacts on the countryside. The site is **not** an infill

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<sup>5</sup> *Braintree DC v SSCLG [2018] EWCA Civ. 610.*

opportunity<sup>6</sup>, however, the development needs to take place there, in accordance with the second part of policy S7<sup>7</sup> of the Local Plan, as the development would make more effective use of previously developed land.

**14.3.19** Location (services, transport):

Little Walden has very limited services and facilities. The distance and accessibility to bus service and the nearest school and supermarket would not promote walking, cycling and public transport use nor would it prioritise sustainable transport modes. The application concurs that “*options to access the development by non-car modes would be relatively limited*” but maintains that the same applies to the existing commercial units and “*cycling would represent the most viable option*”<sup>8</sup>.

**14.3.20** However, there is no footway connection to public transport and key services, which would force pedestrian movements on a classified road (B1052) that is unlit and curvy, encouraging overreliance on private cars. Neighbours mentioned a recent appeal decision<sup>9</sup> for a site much closer to Saffron Walden that was found not to be appropriately located, having regard to access to services and facilities. This is a material consideration for the current application. The location has poor accessibility to services and public transport and the development would fail to comply with paragraphs 109(d)-(e), 115(a) of the NPPF, policy SW12 of the Saffron Walden Neighbourhood Plan, code M1.2C of the SPD Uttlesford District-Wide Design Code, and policy GEN1(e) of the Local Plan.

**14.3.21** Poor accessibility to services and transport would ***not automatically make the development unacceptable on this location***, as other considerations (such as making more effective use of land) would need to be considered in the overall planning balance (see Section M of this report).

**14.3.22** Conclusion on principle:

The principle of the development would be acceptable as the proposals would make more effective use of previously developed land despite the loss of employment land and the poor accessibility to services and public transport. The planning balance in paragraph 11(d)(ii) of the NPPF shall be applied in Section M of this report.

**14.4 B) Character and appearance**

**14.4.1** Local character and appearance:

Little Walden village does not have development limits in the development plan and has historically been developed around the Grade II listed Hall

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<sup>6</sup> The application concurs that the development “*of the rest of the site will be infilling this residential cluster*” (Design and Access Statement, p.5).

<sup>7</sup> The first and third parts of policy S7 are examined in paragraph 14.4.14 below.

<sup>8</sup> Design and Access Statement, paragraph 12.1.

<sup>9</sup> APP/C1570/W/23/3330332 (UTT/23/1309/OP) for the erection of 4 no. dwellings and associated works, paragraphs 7, 9, 11 – Appeal dismissed (01 August 2024).

Farmhouse. To the north of this centre is a modern, post-war development with semi-detached houses (Petlands) and some older cottages (Petts Lane). To the west of the village are a few large, detached properties on sizeable grounds (Hall Farm Road). To the east of the village are some scattered dwellings<sup>10</sup> and the commercial buildings next to Stald Farmhouse. After this point, the landscape is dominated by agricultural fields, which make the eastern boundary of the application site the visual and physical edge to the east of Little Walden.

- 14.4.2** The site and the existing buildings are visible from the public realm, including the main road to the front and various public rights of way in the vicinity (see photographs).



- 14.4.3** The local character contains a distinct rural feel with views to the wider landscape and an intrinsic sense of open countryside with a loose development pattern on this side of the village. The surrounding topography is formed by a ditch along B1052 with the land on both sides of the road sloping down towards its direction. The site therefore makes a **significant** contribution to open countryside due to its elevated topography above the road, its visibility from the public realm and its location that defines the rural setting of Little Walden. The existing buildings do not visually detract from this agrarian character as they have a low-key, agricultural appearance and they are clustered together.

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<sup>10</sup> On the northern side of B1052 is only a single dwelling (Poplar Hall) but on the southern side there is extant permission for 2 no. dwellings in replacement of an old water reservoir, as well as Forge Cottage and Stald Farmhouse and its commercial buildings.

Therefore, the scale and layout of the proposals would be critical in maintaining this character and appearance.

#### 14.4.4 Impacts to local character and appearance:

- Design and layout:

To respond to this rural character, the application applied the design and layout principles of ‘Arcadia’ as set out in the Essex Design Guide<sup>11</sup>. The idea behind Arcadia is to create the illusion of a rural environment by using the picturesque approach to landscape design as typified by the layout of the parks of country houses in the 18<sup>th</sup> century. The guiding principle is the use of meandering walks which successfully reveal surprise features (i.e. buildings) hidden in a dominant landscape, so that the visitor is more aware of the landscape setting than the houses themselves (see images). To achieve this, densities should be up to 8 no. dwellings per hectare and the layout should utilise existing mature trees and hedges.



14.4.5 Firstly, the proposed housing density would be 7.12 dwellings per hectare, which would be appropriate to this location, preserving the loose development pattern on this side of the village. The Urban Design officer confirmed that the layout adheres to the Arcadian principles. Secondly, the site has few mature trees in it (not ideal for a landscape-dependant design approach), but the established trees and hedges on the boundaries would allow the Arcadian principles to work in the short term while the ongoing landscape strategy will safeguard the appearance of the site in the medium to long-term. Therefore, the design and layout<sup>12</sup> approach of the development would be acceptable.

14.4.6 The Urban Design officer noted that the “*picturesque approach seems at odds with the site’s agricultural history and location, being outside the settlement boundary*”. However, the analysis above showed that the village has no set boundary, and the site is part of Little Walden and its loose character to the east, whilst the proposals would make more effective use of previously developed land (see Section A of this report).

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<sup>11</sup> Essex Design Guide / Design Details / Layout Details / Criteria for Layout at Densities Below 20 Dwellings Per Hectare: <https://www.essexdesignguide.co.uk/design-details/layout-details/criteria-for-layout-at-densities-below-20-dwellings-per-hectare/>

<sup>12</sup> Although the overall layout is acceptable, it has not been explained appropriately why the internal road between plots 7 and 8 could not be less central and why there are no alternative routes to the paddock.

**14.4.7** In terms of appearance, the Urban Design officer reported that the “*design quality of the houses is good and provides a varied and interesting architectural composition, referencing local materials and vernacular details*”. The study of local materials and design features in the applicants’ submissions<sup>13</sup> have informed the aesthetic appearance of the proposed dwellings that would be acceptable, in accordance with code ID1.2C of the SPD Uttlesford District-Wide Design Code.

**14.4.8** • Scale:

Turning to scale, the proposed dwellings would have ridge heights<sup>14</sup> close or above 10 metres (with only plot 6 below 9 metres) in contrast to the existing dwelling that has a ridge height of 8.7 metres. Plots 3 and 8<sup>15</sup> would be 3-storeys high (see floor plans) and most other dwellings would have heights that would give them a perception of 3 storeys. The footprint of built form on the site would be increased by 23% (or 49% if outbuildings are included)<sup>16</sup>. This is not a green belt site that would require specific scale targets, so the footprint increase would not be problematic in itself. However, the footprint of the dwellings in combination with the above ridge heights would make their massing significant for a countryside, settlement-edge location (see Site Sections drawing below). Therefore, the proposed dwellings, by reason of their excessive height and bulky massing, would fail to preserve the rural character and appearance of the area.



**14.4.9** The Landscape and Visual Appraisal (LVA) submitted with the application assesses the landscape and visual effects of the proposed development, which refer to the changes in the fabric and character of the landscape and to the changes in the visual amenity of receptors through the available views. The application asserts that the site and its immediate locality have a medium landscape value, and the sensitivity of potential receptors ranges between low and high<sup>17</sup>. The LVA concludes that the development will “*not significantly impact the landscape and visual character*”<sup>18</sup> of the

<sup>13</sup> Design and Access Statement, paragraphs 3.2, 7.1.

<sup>14</sup> Plot 1: 10.3m, Plot 2: 10.0m, Plot 3: 10.9m, Plot 4: 10.2m, Plot 5: 9.8m, Plot 6: 8.9m, Plot 7: 9.8m, Plot 8: 10.9m, Plot 9: 10.0m, Plot 10: 10.2m, Plot 11: 10.2m, Plot 12: 10.2m.

<sup>15</sup> Plot 8 would be much bigger and bulkier than the inspiration example shown in page 21 of the Design and Access Statement.

<sup>16</sup> Total *existing* footprint = 1,572.8 sqm

Total *proposed* footprint = (1,941.2 dwellings) + (403.7 outbuildings) = 2,344.9 sqm.

<sup>17</sup> Landscape and Visual Appraisal, paragraphs, 3.5.7; 4.5.3; 4.5.6 – 4.5.15.

<sup>18</sup> Landscape and Visual Appraisal, paragraph 11.3.3.

area because in a 10-year period landscape effects will reduce from 'moderate' adverse to 'slight' adverse, and visual effects will reduce from 'slight' adverse to 'neutral'<sup>19</sup>.

- 14.4.10** However, the LVA failed to consider the scale of the dwellings, as the application did not include 3D and wire drawings (as suggested in the pre-app advice) to show their height and massing in juxtaposition with the surrounding landscape and other properties in the area. Interested parties correctly noted that the LVA is also problematic for not selecting more representative views of the site into the landscape given that most of the viewpoints selected were significantly far from the site, naturally leading to limited impacts as from 8 out of the 10 viewpoints selected, the site was not visible, even that the site and existing buildings are visible from the road and other public rights of way (see paragraph 14.4.2).
- 14.4.11** Therefore, although 11 no. new dwellings would not necessarily appear unexpected or out of place in this location, the scale of the dwellings would make the development visually dominant in the landscape, which would not be mitigated by the Arcadian design or landscape strategy<sup>20</sup>. In other words, redeveloping previously developed land would still need to be of scale in keeping with the area's character and appearance.
- 14.4.12** Finally, the Urban Design officer noted that "*given the scale and size of proposed dwellings, it appears that the site looks rather densely laid out and conflicting with the loose-knit development pattern in the vicinity*". Although density has been found to accord with the loose development pattern of the area (see paragraph 14.4.5), the perception of density being higher than it is, would be another indication of the dwellings visually dominating the rural landscape through their inappropriate scale. Pre-application advice would be recommended.
- 14.4.13**
- Landscaping:  
The application included a Landscape Masterplan drawing and proposes feature tree planting, shrub and ornamental planting to front gardens, hedgerow retention and planting on the boundaries, retention of the paddock to the south-east of the site, as well as SUDS planting on the northern boundary<sup>21</sup>. The application also proposes protective measures during the construction phase of the development for the existing trees<sup>22</sup>, in accordance with policy ENV3 of the Local Plan. Such protective measures for existing trees and tree groups would be necessary to protect their health. The Landscape officer requested to remove risks to existing trees, however, it was not justified why the Arboricultural Report would not achieve this with the tree protection measures proposed and whether the existing trees would be of amenity value worthy of extra protections.

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<sup>19</sup> Landscape and Visual Appraisal, paragraphs 11.1.9 – 11.1.10; 11.2.2 – 11.2.3.

<sup>20</sup> See Landscape Strategy; Landscape Implementation and Management Plan; Arboricultural Report.

<sup>21</sup> Landscape Strategy, p.6.

<sup>22</sup> Arboricultural Report, pp.21 – 29.



**14.4.14** Conclusions on character and appearance:

The first part of policy S7 of the Local Plan which states that the countryside will be protected for its own sake goes beyond the NPPF provisions that do not set an overarching protection to the countryside and shall be afforded **negligible** weight. The third part<sup>23</sup> of policy S7 of the Local Plan requires that development will only be permitted in the countryside if its appearance protects or enhances the particular character of the part of the countryside within which it is set. This part of policy S7 is fully consistent with paragraph 187 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside. Applying paragraph 232 of the NPPF, this part of policy S7 should be afforded **significant** weight.

**14.4.15** By reason of their scale, the proposals would conflict with the third part of policy S7 of the Local Plan, and paragraph 187(b) of the NPPF. The proposals would also conflict with policy GEN2(b) of the Local Plan, which states that development should safeguard important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings.

**14.4.16** Paragraph 129 of the NPPF requires that planning decisions should support development that makes efficient use of land, however the proposals would be contrary to point (d) as they failed to take into account the desirability of maintaining the area's prevailing character and setting given their inappropriate scale. This policy conflict is **significant** for the planning balance (see Section M) as paragraph 129 is part of the policies referred to in footnote 9 of paragraph 11(d)(ii) of the NPPF.

**14.4.17** The proposals would comply with paragraph 135(b) of the NPPF as it would be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. However, by reason of its scale, the development would fail to comply with paragraph 135 of the NPPF, which amongst other things require that developments (a) will function well and add to the overall quality of the area over their lifetime; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. This policy conflict is **significant** for the planning balance (see Section M) as paragraph 135 is part of the policies referred to in footnote 9 of paragraph 11(d)(ii) of the NPPF.

**14.4.18** The Saffron Walden Neighbourhood Plan does not benefit from the protections of paragraph 14 of the NPPF, as it does not include housing allocations; as such, it shall be afforded **less than significant** weight. The development however would be contrary to policy SW3 of the Saffron Walden Neighbourhood Plan which requires developments (4b) to evidence a positive response to the landscape, local views and the natural environment; and (11) to avoid 3-storey housing in settlement edge locations, and building heights respecting and complementing the

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<sup>23</sup> The second part of this policy was examined in paragraph 14.3.18 above.

landscape in the immediate vicinity. The proposed dwellings will be clearly visible from public footpaths, but the application failed to appropriately consider the appearance of the proposal from the public right of way network, contrary to policy SW18 of the Saffron Walden Neighbourhood Plan.

- 14.4.19** The proposals would also conflict with codes C1.1C, ID1.1C, ID2.1C, ID2.4C, ID2.5C and B1.1C of the newly adopted SPD Uttlesford District-Wide Design Code (July 2024), which require, for example, that developments demonstrate an understanding of the key contextual features (such as topography, landscape, and the details of buildings); a relationship with the area's local character; respond to the characteristics of their landscape character area and protect panoramic views and open and enclosed views across the hills and valleys; and a built form analysis for the arrangement of buildings.

## **14.5 C) Heritage impacts / Climate change**

### **14.5.1** Heritage impacts:

Little Walden has six designated heritage assets<sup>24</sup> that are located at the heart of the village, 225 metres to the west of the application site. A heritage statement was submitted as part of the Design and Access Statement, including historic maps, in compliance with paragraph 207 of the NPPF, code C2.2C of the SPD Uttlesford District-Wide Design Code, and policy SW3(3) of the Saffron Walden Neighbourhood Plan.

- 14.5.2** Place Services Built Heritage (Conservation) reported that the site had a historic functional relationship with the Grade II listed Hall Farmhouse and adjacent agricultural listed buildings. However, due to the intervening distance and lack of intervisibility, the site does not currently contribute to the significance of Hall Farmhouse and the adjacent listed buildings and how they are experienced.

- 14.5.3** The proposals would preserve the special interest and setting of the above listed buildings, without causing 'less than substantial harm' to their significance. Therefore, the development would comply with paragraph 215 of the NPPF, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies and policy ENV2 of the Local Plan. The heritage balance of paragraph 215 of the NPPF would **not** be necessary given the no-harm position. The application of paragraph 215 of the NPPF would **not** offer a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF.

### **14.5.4** Climate change:

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<sup>24</sup> Hall Farmhouse (Grade II listed)  
Harnser (Grade II listed)  
Barn to West of Hall Farmhouse (Grade II listed)  
Barn to South-West of Hall Farmhouse (Grade II listed)  
Barn to South of Hall Farmhouse (Grade II listed)  
Front Garden Wall to Hall Farmhouse (Grade II listed).

Energy and water efficiency measures would be necessary, to ensure compliance with the adopted Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy and section 14 of the NPPF. Some of these measures would be covered by the Building Regulations. The application proposes air source heat pumps and solar panels<sup>25</sup> to reduce energy consumption (even though these are not part of the development's description).

## 14.6 D) Housing mix / Affordable housing

### 14.6.1 Housing mix:

Policy H10 of the Local Plan states that developments on sites of 0.1 hectares and above or of 3 no. or more dwellings will be required to include a significant proportion of market housing comprising small properties. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Policy SW1 of the Saffron Walden Neighbourhood Plan states that all residential proposals should include a mix of sizes which reflects local needs but also provides for balanced and vibrant neighbourhoods. The specific mix should be based on up-to-date local evidence of need and take account of local circumstances and the nature of the surrounding area. Policy GEN2(c) of the Local Plan also requires development to provide an environment, which meets the reasonable needs of all potential users.

14.6.2 Paragraph 61 of the NPPF states that in significantly boosting the supply of homes the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community. Code U1.5C of the SPD Uttlesford District-Wide Design Code requires that new developments must demonstrate that new house types respond to the requirements of local policy, and are an appropriate mix for the particular area of Uttlesford, which is consistent with the NPPF.

14.6.3 The following table of evidence from the Saffron Walden Neighbourhood Plan<sup>26</sup> is not very recent and shall be afforded **limited** weight in decision-making:

Table 15: Size mix of housing requirement, 2007 – 2021

All Housing		
1 bedroom	1300	12.2%
2 bedroom	2100	24.6%
3 bedroom	3200	40.5%
4 bedroom	1200	18.0%
5 + bedroom	300	4.7%
Sub-total	8100	100.0%

14.6.4 However, recent evidence prepared for the Reg19 emerging Local Plan recommended the following housing mix in Uttlesford – as the evidence shows a stronger need for smaller properties, policy H10 of the Local Plan

<sup>25</sup> Revised Planning Statement, paragraph 3.4.

<sup>26</sup> See paragraph 4.1.16 of the Neighbourhood Plan.

shall be afforded **significant** weight by virtue of paragraphs 61 and 63 of the NPPF. Policy SW1 of the Saffron Walden Neighbourhood Plan has the flexibility to rely on up-to-date evidence of need, which is consistent with the NPPF, and shall be afforded **significant** weight.

	Market
1-bedroom	25%
2-bedrooms	
3-bedrooms	45%
4+-bedrooms	30%

**14.6.5** The application proposes three 3-bed dwellings and nine 4+-bed dwellings (see application form and drawings), which represents 0% of 1 to 2-bed properties, 25% of 3-bed properties and 75% of 4+-bed properties. Interested parties and the town council raised concerns for the proposed housing mix given the predominance of more sizeable dwellings and expressed a need for smaller properties locally as measured against recent evidence. The development would not provide an appropriate housing mix, contrary to policies H10, GEN2(c) of the Local Plan, policy SW1 of the Saffron Walden Neighbourhood Plan, code U1.5C of the SPD Uttlesford District-Wide Design Code, and paragraphs 61 and 129(a) of the NPPF.

**14.6.6** Paragraph 129 of the NPPF requires that planning decisions should support development that makes efficient use of land, however the proposals would be contrary to point (a) as they failed to take into account the identified need for different types of housing given their inappropriate housing mix. This policy conflict is **significant** for the planning balance (see Section M) as paragraph 129 is part of the policies referred to in footnote 9 of paragraph 11(d)(ii) of the NPPF.

**14.6.7** Affordable housing:  
 Policy H9 of the Local Plan and policy SW2 of the Saffron Walden Neighbourhood Plan require a 40% affordable housing contribution from major development. However, the council’s Housing officer stated that “*In view of the location of the site an off-site affordable housing contribution is acceptable*” and should be calculated in accordance with the SPD Developer Contributions. Neighbouring parties objected to a potential financial contribution in lieu of affordable housing units, however, paragraph 64(a) of the NPPF, policy H9 of the Local Plan and policy SW2(2) of the Saffron Walden Neighbourhood Plan can allow this subject to appropriate justification, which has been provided by the Housing officer. The proposals would comply with the above policies subject to a planning obligation being agreed in writing.

**14.7 E) Residential amenity**

- 14.7.1** The proposed units would have bedroom/persons occupancies and gross internal areas (GIA) that exceed the minimum thresholds<sup>27</sup>:
- Plot 1: 5B8P (> threshold 128 sqm)
  - Plot 2: 4B7P (> threshold 115 sqm)
  - Plot 3: 6B8P (> threshold 138 sqm)
  - Plot 4: 3B6P (> threshold 102 sqm)
  - Plot 5: 5B8P (> threshold 128 sqm)
  - Plot 6: 3B6P (> threshold 102 sqm)
  - Plot 7: 5B8P (> threshold 128 sqm)
  - Plot 8: 6B8P (> threshold 138 sqm)
  - Plot 9: 4B7P (> threshold 115 sqm)
  - Plot 10: 3B6P (> threshold 102 sqm)
  - Plot 11: 4B8P (> threshold 124 sqm)
  - Plot 12: 4B8P (> threshold 124 sqm).
- 14.7.2** In terms of noise, odour, dust, vibration, light pollution and other disturbances, following review of the submitted information and notwithstanding the comments from neighbours, Environmental Health raised **no objections** subject to conditions to safeguard residential amenities.
- 14.7.3** Turning to private gardens, the SPD Uttlesford District-Wide Design Code requires private amenity space to be 50 sqm or of equal footprint of the dwelling (whichever is larger) for 2-storey houses or 100 sqm or of equal footprint of the dwelling (whichever is larger) for 3-storey houses. The proposed dwellings provide appropriate external amenity space to their future occupiers to the benefit of their living conditions, in accordance with paragraph 135(f) of the NPPF.
- 14.7.4** After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the following conclusions are drawn for the impact of the proposed development to the residential amenity of the neighbouring occupiers in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.
- 14.7.5** Potential overlooking and loss of privacy:  
Concerns raised by the neighbours regarding privacy issues from the new development have been carefully considered.
- The rear elevation of plot 12 would be 16.5 metres from the boundary with Forge Cottage, and therefore its upper floor habitable room windows will not materially compromise the privacy of the neighbouring occupants. Forge Cottage also benefits from a private garden to the west and north-west of it.
  - Plot 2 would be 8 metres from the boundary with Forge Cottage, however, its rear elevation, by design and position, will face away from the neighbouring property and its private garden. The upper floor window facing north will also be facing away from Forge

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<sup>27</sup> See Technical Housing Standards – Nationally Described Space Standard.

Cottage. Therefore, the privacy of the neighbours will be safeguarded from the proposed development.

- The upper floor window of plot 2 facing north would be looking to outbuildings at a distance from the private garden of plot 12, retaining its privacy. Plot 2 has no upper floor windows facing towards plot 3.
- The upper floor window of plot 3 facing north-west towards the garden of plot 2 will belong to a non-habitable room.
- Plots 4, 6, 10 would not have any side-facing upper floor windows.
- The upper floor window of plot 5 facing south-west towards plot 4 will belong to a non-habitable room.
- The rear elevation of plot 5 would be 16.1 metres from the boundary of plot 7.
- The upper floor window of plot 7 facing west towards plot 6 will belong to a non-habitable room and should be conditioned to be obscure-glazed and non-opening to all its parts below eye level given its distance to the garden of plot 6.
- The upper floor window of plot 8 facing south-west towards plot 7 will belong to a non-habitable room.
- The only upper floor window of plot 9 will be facing east to the open countryside.
- The upper floor window of plot 11 facing east towards the front garden of plot 10 will belong to a non-habitable room.
- The upper floor window of plot 12 facing south will belong to a non-habitable room and will be facing away from the upper floor bedroom windows of plot 1.

Therefore, the proposals would not lead to material (actual or perceived) overlooking or loss of privacy to the detriment of the residential amenity of the neighbouring or future occupiers.

**14.7.6** Potential overshadowing and loss of light:

Due to their scale, position and design, the proposed dwellings would not lead to material overshadowing of, and loss of light to, the private gardens or habitable room windows of any existing properties in the area. The same applies for each proposed dwelling. Notwithstanding the comments of neighbours and the heights of plots 2 and 12, the distance to Forge Cottage and its boundaries would not lead to material loss of light or overshadowing that would harm the residential amenity of those neighbours.

**14.7.7** Potential overbearing effects:

The distance between the proposed dwellings, and between the proposed dwellings and the neighbouring properties would allow for adequate 'breathing' space amongst the buildings and would not lead to a 'tunneling effect' that would harm the residential amenity of the neighbours.

**14.7.8** The proposal would not materially harm residential amenities of existing and future occupants and would comply with policies GEN2, GEN4, GEN5, ENV10, ENV11, the SPD Uttlesford District-Wide Design Code, the Essex Design Guide, and the NPPF.

## 14.8 F) Access and parking

**14.8.1** From a highway and transportation perspective and notwithstanding the concerns raised from interested parties, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety for all highway users. Notwithstanding the comments from interested parties indicating otherwise and given the evidence submitted in the Transport Statement, the proposed development would not compromise highway capacity on the local road network. The development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 116 and 115(b) of the NPPF.

**14.8.2** Parking standards require 2 no. spaces for 2-bed dwellings and 3 no. spaces for 4+-bed dwellings. The Parking Guidance – Part 1: Parking Standards Design and Good Practice (September 2024) advises that areas with existing convenient access to amenities or located within sustainable transport corridors should adhere to more progressive (lower) parking requirements compared to less connected areas; the site has been found above to have ‘low connectivity’ to services and public transport. This guidance is not adopted but a material consideration. The requirements for the proposals would be:

Plots	Beds	2009 & 2013 parking standards		2024 parking standards	
		Car spaces	Cycle spaces	Car spaces	Cycle spaces
<i>Plot 1</i>	5	3	1	3	5
<i>Plot 2</i>	4	3	1	3	4
<i>Plot 3</i>	6	3	1	3	6
<i>Plot 4</i>	3	2	1	2	3
<i>Plot 5</i>	5	3	1	3	5
<i>Plot 6</i>	3	2	1	2	3
<i>Plot 7</i>	5	3	1	3	5
<i>Plot 8</i>	6	3	1	3	6
<i>Plot 9</i>	4	3	1	3	4
<i>Plot 10</i>	3	2	1	2	3
<i>Plot 11</i>	4	3	1	3	4
<i>Plot 12</i>	4	3	1	3	4
<b>TOTAL</b>	-	<b>33</b>	<b>12</b>	<b>33</b>	<b>51</b>

**14.8.3** The number and size of parking spaces on the Proposed Site Plan (including covered spaces) would meet the above requirements but only the turning areas for plots 3, 4, 6, 8 would allow vehicles to leave these plots in a forward gear. For the rest of the plots, vehicles may have to turn onto the internal driveway, which would be a private road and not part of the public highway network maintained by Essex Highways. Therefore, despite the uncomfortable turning layouts, these would not compromise the users’ highway safety to warrant a reason for refusal.

**14.8.4** Swept path analysis in the Transport Statement has shown that refuse and emergency vehicles will be able to get into the site and leave it in a forward gear. In addition, the proposals can accommodate disabled, cycle and visitors' parking, even though the visitor's space on the eastern corner of the site sits far from the front entrances to plots 7 and 8 in another uncomfortable and awkward arrangement. Finally, each dwelling shall have at least one electric vehicle charging point (which would be conditioned if the scheme were approved).

**14.8.5** The proposals would comply with the Essex County Council Parking Standards (2009), the Parking Guidance – Part 1: Parking Standards Design and Good Practice (September 2024), policy SW4 of the Saffron Walden Neighbourhood Plan, and policy GEN8 of the Local Plan.

## **14.9 G) Ecology**

**14.9.1** Place Services Ecology, following review of additional information, raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures, including biodiversity net gain. The development would comply with paragraphs 44, 187(d) and 193 of the NPPF, policy SW11(5) of the Saffron Walden Neighbourhood Plan, and policies GEN7, ENV8 of the Local Plan.

**14.9.2** Biodiversity Net Gain duty:  
Biodiversity Net Gain (BNG) is a statutory requirement in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990; paragraph 13 of Schedule 7A states that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and (b) the LPA has approved the plan. The government guidance suggests that the 'statutory condition' must be separate to the list of planning conditions in the decision notice (as an informative) and must not be ignored by the developer.

**14.9.3** Place Services Ecology are satisfied that the pre-development baseline biodiversity value of the site has been calculated correctly and reported that watercourse units do not need to be considered for this application. A Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool should be submitted prior to commencement as part of the biodiversity gain condition. A Habitat Management Monitor Plan (HMMP) will be required for significant on-site enhancements and off-site enhancements. The HMMP should be in line with the approved Biodiversity Gain Plan.

**14.9.4** Based on the available information, if permission were to be granted, it would require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or



transitional arrangements apply. To commence the development without approval of the biodiversity gain plan may result to a breach of planning.

#### 14.10 H) Contamination

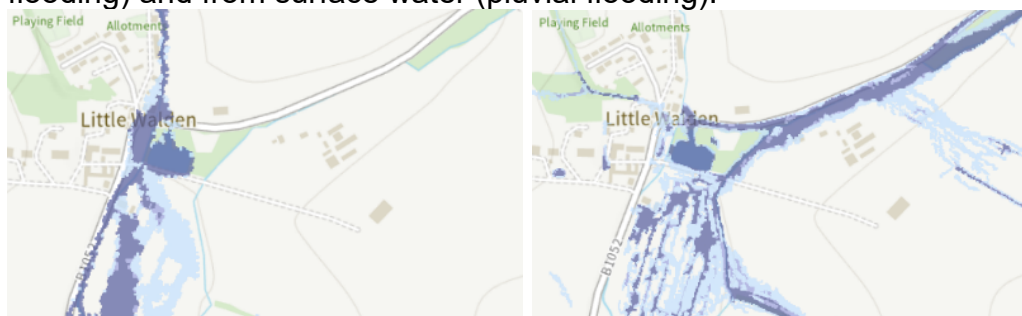
14.10.1 Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF.

#### 14.11 I) Archaeology

14.11.1 Place Services Archaeology reported that there is potential for roadside settlement remains within the site, as well as potential impacts of the development to medieval and post medieval deposits and features. Place Services Archaeology raised **no objections** subject to conditions. The proposal would accord with policy ENV4 of the Local Plan, and the NPPF. Notwithstanding comments from neighbouring parties, archaeological issues are usually conditioned if a scheme were to be approved and are not required to be cleared before submitting the application.

#### 14.12 J) Flood risk and drainage

14.12.1 The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding):



14.12.2 The site falls within Flood Zone 1; footnote 63 in paragraph 181 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) applies, as the development would involve a site of 1 hectare or more; and land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. The Local Flood Authority (Essex County Council) was consulted for this application.

14.12.3 The FRA submitted with the application performed the sequential test and concluded that the site lies within Flood Zone 1, which means that the proposed residential land use would be appropriate for the site's flood risk classification and the exception test would not be necessary. The application recommended that the development discharges to the existing ditch<sup>28</sup> and improves the hydraulic profile for the site and surrounding water networks<sup>29</sup>, and noted that "*Currently, the brownfield site allows*

<sup>28</sup> Flood Risk Assessment, paragraph 10.7.4.

<sup>29</sup> Flood Risk Assessment, p.35.

*unrestricted surface water discharge, so the application of a greenfield profile with new restrictions would increase floodwater, necessitating on-site mitigation. Given the site's constraints, particularly its topography, this methodology aims to mitigate on-site flooding at source. This approach will be combined with the use of available green space and additional Sustainable Drainage Systems (SuDS) features, such as open swales, to maximize SuDS opportunities and enhance amenity. The tank therefore provides a reinforcing attenuation role (offline) to the primary systems, which are focused where possible as an open SuDS management train*<sup>30</sup>.

**14.12.4** The application concluded that *"the hazards associated with residential development have been identified and managed at source, ensuring there is no impacts from on-site surface water flooding for the 1:100 + 45% event. Foul water flow rates have been treated at source and integrated into the active SuDS Management Train"*<sup>31</sup>. The proposed SUDS would include an open pond/swale, an offline attenuation tank and permeable paving.

**14.12.5** The Local Flood Authority, following review of the above and additional information, raised **no objections** subject to conditions. Therefore, notwithstanding the concerns raised from interested parties regarding recent flood events and patterns in the area, the support of the statutory consultee responsible for pluvial flooding would secure that the proposed development would not increase flood risk on site or elsewhere. The proposals would comply with paragraph 181 of the NPPF, policies SW3(14), SW11 of the Saffron Walden Neighbourhood Plan, and policies GEN3, GEN6 of the Local Plan.

**14.12.6** Anglian Water refrained from commenting as the development would fall out of its statutory sewage boundary. Affinity Water also refrained from commenting on the application.

### **14.13 K) Planning obligations**

**14.13.1** Paragraph 58 of the NPPF sets out that planning obligations should only be sought where they are (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

**14.13.2** By virtue of the SPD Developer's Contributions and ECC's Developers' Guide to Infrastructure Contributions, the only matters that must be secured in the planning obligation, include:

- Payment of financial contribution in lieu of affordable housing units.
- Payment of the council's legal costs.
- Payment of the council's monitoring fee.

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<sup>30</sup> Response to SUDS, p.2.

<sup>31</sup> Flood Risk Assessment, paragraph 5.3.

**14.13.3** The application failed to provide the necessary mechanism to secure the above planning obligation, such as a section 106 agreement, contrary to policy H9 of the Local Plan, policy SW2 of the Saffron Walden Neighbourhood Plan, paragraphs 63, 64, 65 of the NPPF, and paragraph 4.13 of the SPD Developer's Contributions.

**14.14 L) Other matters**

**14.14.1** Health and safety:

The Health and Safety Executive is the statutory consultee with regard to building safety (in particular to fire safety) for planning applications that involve a relevant building or major hazard sites and major accident hazard pipelines. The Health and Safety Executive reported that the application does not fall within any of their consultation zones and refrained from commenting.

**14.14.2** Potential for crime:

The Crime Prevention Tactical adviser of Essex Police reported no apparent concerns with the layout and requested the details of the proposed lighting, boundary treatments and physical security measures to provide further comments. However, some of these details have been submitted with the application or would be conditioned (e.g. external lighting scheme) if the scheme were acceptable. The proposals would comply with policy GEN2(d) of the Local Plan that aims at reducing the potential for crime, and paragraph 135(f) of the NPPF.

**14.15 M) Paragraph 11(d) and planning balance**

**14.15.1** Areas or assets of particular importance:

The application of policies in the NPPF that protect areas or assets of particular importance<sup>32</sup> would **not** provide a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF. Therefore, the planning balance in paragraph 11(d)(ii) of the NPPF should be applied below.

**14.15.2** Planning balance:

The benefits of the development would include:

- Promotion of development of under-utilised land and making more effective use of previously developed land – **significant** weight.
- Economic and social benefits – **moderate** weight.
- Ecological enhancements and biodiversity net gain – **limited** weight.
- Landscaping enhancements – **limited** weight.

**14.15.3** The adverse impacts of the development would include:

- Poor accessibility to services and public transport – **significant** weight.

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<sup>32</sup> See footnote 7 of the NPPF.

- Harm to character and appearance of the countryside (scale) – **significant** weight.
- Inappropriate housing mix – **significant** weight.
- Loss of employment land – **limited** weight.
- Loss of agricultural land – **limited** weight.

**14.15.4** The planning balance in paragraph 11(d)(ii) of the NPPF dictates decision-makers to have particular regard to key policies, for example, for directing development to sustainable locations, making effective use of land and securing well-designed places, by citing specific paragraphs of the NPPF in footnote 9. The proposed development would not be directed to a sustainable location (paragraph 115 of the NPPF), but it would make efficient use of land (paragraph 129 of the NPPF), which weighs in favour of the principle of development.

**14.15.5** However, the details of the development would fail to take into account the identified need for different types of housing due to the proposed housing mix (paragraph 129(a) of the NPPF) and would fail to take into account the desirability of maintaining the area's prevailing character and setting due to the proposed scale of the buildings (paragraph 129(d) of the NPPF). In addition, the proposals would fail to function well and add to the overall quality of the area over their lifetime (paragraph 135(a) of the NPPF); and would not be sympathetic to local character and history, including the surrounding built environment and landscape setting (paragraph 135(c) of the NPPF) again due to the proposed scale of the buildings.

**14.15.6** Therefore, although in-principle acceptable, the planning balance of the development, having particular regard to paragraphs 129(a), 129(d), 135(a), 135(c) of the NPPF, would **not** allow granting permission for this scheme as the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

## **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** Although the principle of the development would be acceptable on this site, the planning balance would not favour the submitted scheme.

**16.2** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposals would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. As proposed in this application and following the analysis in the report, the residential scheme would **not** be sustainable development for which paragraph 11(d)(ii) of the NPPF indicates a presumption in favour.

**16.3** It is therefore recommended that the application be **refused** for the reasons set out in section 17 of this report.

## **17. REASONS FOR REFUSAL**

**1** The development, by reason of the excessive scale and massing of its buildings, would fail to respect local character and materially harm the countryside character and appearance of the area. The adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, having particular regard to key policies, including securing well-designed places and making effective use of land. Therefore, the development would be contrary to policies S7, GEN2(b) of the adopted Uttlesford Local Plan (2005), policies SW3(4b), SW3(11), SW18 of the 'made' Saffron Walden Neighbourhood Plan (2022), codes C1.1C, ID1.1C, ID2.1C, ID2.4C, ID2.5C, B1.1C of the

adopted Supplementary Planning Document – Uttlesford District-Wide Design Code (2024), and paragraphs 129(c), 135(a), 135(c) and 187(b) of the National Planning Policy Framework (2024).

**2** The development would not provide an appropriate housing mix measured against up-to-date local evidence of housing need for different groups in the community. Therefore, the development would be contrary to policies H10, GEN2(c) of the adopted Uttlesford Local Plan (2005), policy SW1 of the ‘made’ Saffron Walden Neighbourhood Plan (2022), code U1.5C of the adopted Supplementary Planning Document – Uttlesford District-Wide Design Code (2024), and paragraphs 61, 129(a) of the National Planning Policy Framework (2024).

**3** The application does not provide a mechanism to secure the necessary planning obligation that must contain the following:

- (i) Payment of financial contribution in lieu of affordable housing units.
- (ii) Payment of the council’s legal costs.
- (iii) Payment of the council’s monitoring fee.

Therefore, the development would be contrary to policy H9 of the adopted Uttlesford Local Plan (2005), policy SW2 of the ‘made’ Saffron Walden Neighbourhood Plan (2022), paragraph 4.13 of the adopted Supplementary Planning Document – Developer’s Contributions (2023), and paragraphs 63, 64, 65 of the National Planning Policy Framework (2024).

## APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/24/1961/FUL  
Our Ref: 59054  
Date: 27/09/2024  
cc. cllr.paul.gadd@essex.gov.uk



Director for Highways  
and Transportation

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/24/1961/FUL

Applicant. Global Consolidated Contractors Int

Site Location. Stald Farm Little Walden Road Saffron Walden Essex CB10 1XA

Proposal. Demolition and redevelopment of existing farm buildings to create 11no. new dwellings and the refurbishment of the existing farmhouse to create a total of 12no. homes (Class C3), with associated amenity space, parking and landscaping.

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

1. Prior to first occupation of the development, the road access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the West and 2.4 metres by 43 metres to the East, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided and retained free of any obstruction at all times.  
**Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy DM1.
2. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres and shall be provided with an appropriate vehicular crossing of the highway verge.  
**Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy DM1.
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.  
**Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent verge/carriageway in the interest of highway safety in accordance with policy DM1.

4. 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 policy DM1.
5. Prior to first occupation of the development, the vehicle parking spaces shown in the Proposed Site Plan drawing no. GCC007-BA-00-ZZ-DR-A-2650 has been constructed appropriately hard surfaced ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking and turning area shall not be used for any purpose other than the parking and turning of vehicles that are related to the use of the development.  
**Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.
6. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.  
**Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.
7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).  
**Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

**The above conditions are required to ensure that the development accords with the National Planning Policy Framework 2023 (NPPF) and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- iii. The development would not be considered for adoption by the Highway Authority.



- iv. The (rural/remote) location of the site is such that access to key facilities, public transport, employment, and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.
- v. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- vi. There shall be no discharge of surface water onto the Highway.
- vii. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- viii. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

*F. Masnie*

.....  
pp. Director for Highways and Transportation  
Enquiries to Chioma Cureton  
chioma.cureton@essex.gov.uk

## APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

Essex County Council  
Development and Flood Risk  
Environment and Climate Action,  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Tunde Aregbesola  
Uttlesford District Council  
Planning Services

Date: 30<sup>th</sup> January 2025  
Our Ref: SUDS-007700  
Your Ref: UTT/24/1961/FUL

Dear Sir/Madam,

### **Consultation Response – UTT/24/1961/FUL - Stald Farm Little Walden Road Saffron Walden Essex CB10 1XA**

Thank you for your email received on 29/01/2025 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

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

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

#### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 2l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

**Condition 2**

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

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

**Reason**

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

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

**Condition 3**

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

**Reason**

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change

allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances](#) - GOV.UK ([www.gov.uk](http://www.gov.uk))

- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.  
<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>  
<https://www.thameswater.co.uk/developers>
- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.  
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

**Anna Murphy**  
**Development and Flood Risk Officer**  
 Team: Green Infrastructure and Sustainable Drainage  
 Service: Climate Action and Mitigation  
 Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
 Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

### **Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan,

temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

## APPENDIX 3 – HEALTH AND SAFETY EXECUTIVE

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**From:** LUP enquiries [REDACTED]  
**Sent:** Monday, August 19, 2024 4:18 PM  
**To:** Planning [REDACTED]  
**Subject:** [External] >> Re: Planning Application Consultation - N UTT/24/1961/FUL

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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Dear Sir or Madam

Thank you for your email seeking HSE's observations on application UTT/24/1961/FUL

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

However, this application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on this planning application and any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m<sup>2</sup> of retail floor space;
- more than 500m<sup>2</sup> of office floor space;
- more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: [www.hse.gov.uk/landuseplanning/methodology.htm](http://www.hse.gov.uk/landuseplanning/methodology.htm)

**NB HSE is a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.**

A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to [PlanningGatewayOne@hse.gov.uk](mailto:PlanningGatewayOne@hse.gov.uk)

There is further information on compliance with the Building Safety Bill at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021> .

Regards

Sue Howe

HSE's Land Use Planning Support Team

[lupenquiries@hse.gov.uk](mailto:lupenquiries@hse.gov.uk)



For HSE's Land Use Planning Advice Terms and Conditions, please click on the following link [HSE's Planning Advice Web App - Login \(hsl.gov.uk\)](https://hsl.gov.uk) and then click on 'terms and conditions'.

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**From:** [REDACTED]  
**Sent:** 14 August 2024 15:34  
**To:** LUP enquiries [REDACTED]  
**Subject:** Planning Application Consultation - N UTT/24/1961/FUL

Please See Attached