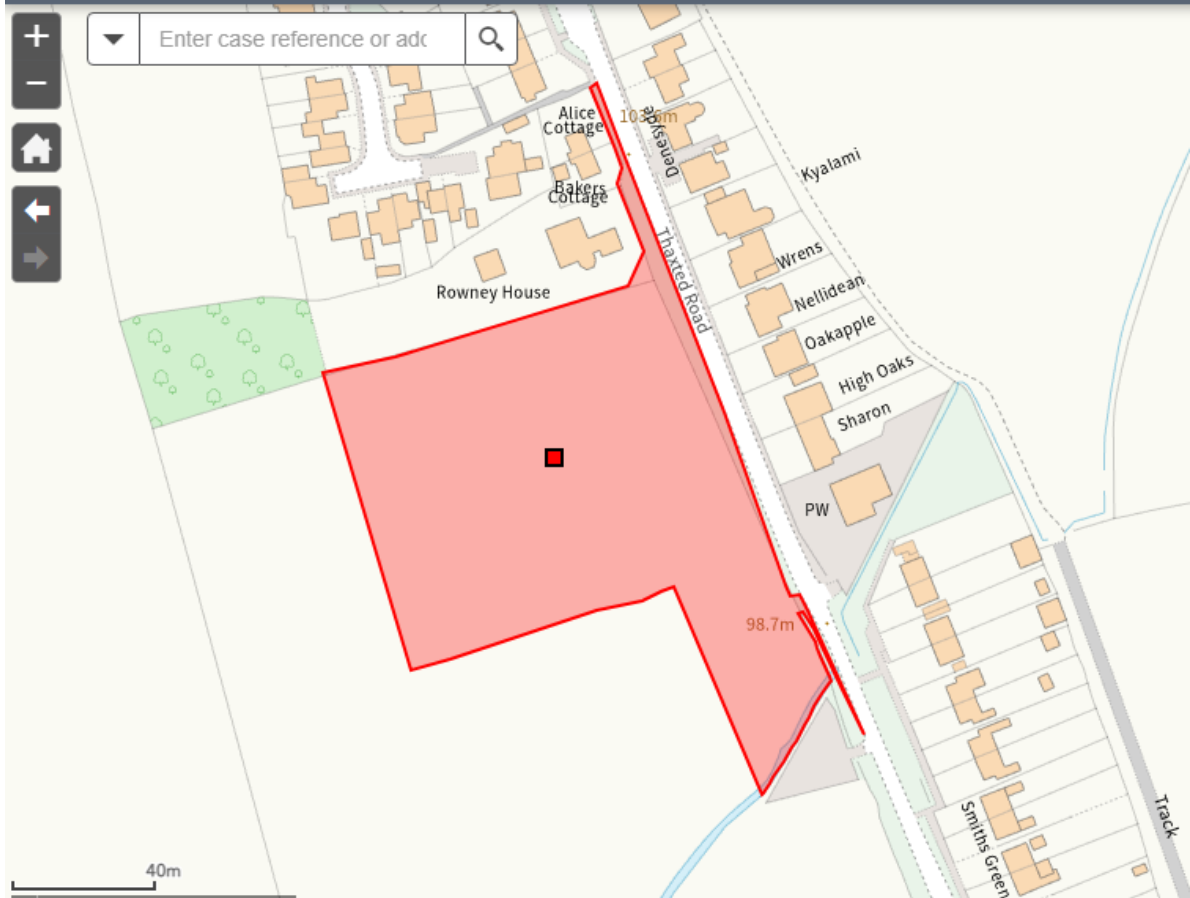


ITEM NUMBER:	7
PLANNING COMMITTEE DATE:	30 July 2025
REFERENCE NUMBER:	UTT/25/1160/DFO
LOCATION:	Land To The West Of Thaxted Road Debden

SITE LOCATION PLAN:

UniMap Web 1.3.5



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Organisation: Uttlesford District Council

Date: 06 June 2025

PROPOSAL: Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, appearance, landscaping, layout and scale.

APPLICANT: Ford Homes Ltd (Mr I Ford)

AGENT: Peter George Town Planning Ltd (Mr T Donovan)

EXPIRY DATE: 30 July 2025

EOT EXPIRY DATE: 04 August 2025

CASE OFFICER: Mr Avgerinos Vlachos (Principal Planning Officer)

NOTATION: Outside Development Limits (Adjacent).
Tree Protection Order.
Within Areas A and B of Debden Radar.
Road Classification (Thaxted Road – Class III).
Within 2km of SSSI.
Public Right of Way (Footpath – West).
Public Right of Way (Footpath – South).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

- 1.1** This is a reserved matters application for the reserved details of access, appearance, scale, landscaping and layout, following the grant of outline permission (reference UTT/20/0264/OP) for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units and open spaces to the front and centre of the site. The outline permission was granted subject to conditions and a (signed) section 106 agreement for affordable housing, public open space and a village hall contribution.
- 1.2** The development follows an appeal dismissed in 2019 for 36 no. dwellings on a more sizeable site ('2019 appeal' – UTT/18/1708/FUL) and an appeal dismissed in 2024 for the reserved matters of 25 no. dwellings ('2024 appeal' – UTT/23/0878/DFO). The '2024 appeal' confirmed the conflict between drainage and open space due to their overlap that raised health and safety concerns for users of the open space being simultaneously an

attenuation pond. The Inspector however overturned the rest of the council's objections (e.g. the size of the apartment block) and criticised the council as the urbanisation of an open field on a prominent location at the edge of the settlement "*would have been expected when outline permission was granted*", warning that these are not sufficient reasons to withhold permission.

- 1.3** To respond to these decisions and the newly adopted Uttlesford District-Wide Design Code (2024), the applicant sought pre-application advice from officers (UTT/24/2896/PA), which led to significant improvements in comparison to the '2024 appeal' scheme, including an additional open space to the heart of the site and houses reconfigured to present active frontages; separation of the drainage from open spaces; omission of triple tandem parking; built form at the terminating vistas of dead-ends; a new footway along the northern boundary for increased permeability; a full landscaping scheme with native hedging around the edges of the site; and other design and layout improvements.
- 1.4** The details of access, appearance, scale, landscaping and layout are acceptable following their assessment in this report. Comments from interested parties have been carefully considered before concluding that the development would have an acceptable impact on the: character and appearance of the area and village; residential amenities of existing and future residents; highway safety and capacity; health of a protected tree; ecology; flood risk; and other material considerations. Statutory and non-statutory consultees have not raised any concerns for the development.
- 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 pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the adverse impacts of the proposals would **not** 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, in accordance with paragraph 11(d)(ii) of the NPPF.

2. RECOMMENDATION

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

A) Conditions

3. SITE LOCATION AND DESCRIPTION

- 3.1** The application site comprises open, undeveloped land used as arable field, located to the west of Thaxted Road, adjacent on two sides to the development limits of Debden. Thaxted Road runs north-south through

the centre of Debden, providing a link for communities between Saffron Walden and Thaxted. The site is south of Highfields, a small cul-de-sac development, and Rowney House, within the garden of which two houses have been approved. Ribbon housing development is east of the site on the opposite side of Thaxted Road. The site is generally raised above the level of Thaxted Road and falls towards the south-east corner. There are hedgerows alongside the highway and to the north and south of the site. The site is open to arable agricultural land to the west. Public footpaths run to the west and south of the site. The site is within the Environment Agency Flood Zone 1.

4. PROPOSAL

4.1 This is a reserved matters application for the reserved details of access, appearance, scale, landscaping and layout, following the grant of outline permission (reference UTT/20/0264/OP) for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units and open spaces to the front and centre of the site.

4.2 The application includes the following documents:

- Application form
- Preliminary ecological assessment
- Arboricultural impacts assessment
- Design and access statement
- Transport assessment
- Flood risk assessment
- Landscape materials booklet
- Planning statement.

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

Reference	Proposal	Decision
UTT/25/1284/DOC	Application to partly discharge condition 20 (archaeological trial trenching) attached to UTT/20/0264/OP.	Refused (23.05.2025).
UTT/25/0288/DOC	Application to partially discharge condition 20 (archaeological trial trenching - written scheme of investigation) attached to UTT/20/0264/OP.	Partially discharged condition 20 (14.02.2025).

UTT/24/3031/DOC	Application to discharge condition 20 (archaeological trial trenching) attached to UTT/20/0264/OP.	Partially discharged condition 20 (23.12.2024).
UTT/24/2896/PA	Pre-application advice further to UTT/23/0878/DFO (Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance).	Closed (03.02.2025) – advice following dismissed appeal.
UTT/23/0878/DFO	Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance.	Appeal dismissed (03.10.2024).
UTT/20/0264/OP	Outline permission with all matters reserved for the erection of 25 no. private and affordable dwellings.	Approved with conditions & s106 (03.10.2022).
UTT/18/1708/FUL	Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure, including 14 no. affordable housing units. With associated garages, landscaping and new access.	Appeal dismissed (22.02.2019).
UTT/17/3047/PA	Erection of 25 dwellings on current agricultural land.	Closed (01.12.2017).

7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 Following the appeal of the reserved matters under UTT/23/0878/DFO being dismissed by the Inspector, pre-application discussions have been held (UTT/24/2896/PA) between the applicant's team and officers of the council prior to the submission of this reserved matters application. The

pre-application discussions included feedback from the case officer and the urban design officer, which can be summarised as follows:

The proposals must show compliance with the Uttlesford District-Wide Design Code (2024) being now part of the Development Plan; 3-dimensional imagery would be key in achieving this. Public open space should be within the centre of the plan with a landscaped strip (5-6 metres wide) parallel to the roadway. SUDS should not coincide or conflict with the public open space and triple tandem parking should be eliminated from all plots. Dead-end turning heads should be replaced by focal points or terminating vistas with buildings. A new footpath (along the northern boundary) would be necessary as well as native hedges/trees to the southern and western boundaries of the site. Changes to parking and the pedestrian entrance to the site's frontage would also benefit the development.

7.3 The full letter with pre-application advice (UTT/24/2896/PA) can be found in Appendix 1 of the applicant's Planning Statement.

7.4 The application states that *"On Wednesday 2nd April, the applicant held a public consultation event at the Debden Village Hall. The event was an opportunity to present the proposals to the local community and invite/hold discussion regarding the detailed proposals"*¹. A statement of community involvement had also been submitted with the outline application (UTT/20/0264/OP). The local planning authority has consulted interested parties in the area and their comments were taken into account when determining the application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

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

8.2 Local Flood Authority

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

8.3 Natural England

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

8.4 Manchester Airport Group (Safeguarding Authority for Stansted Airport)

8.4.1 No objections subject to conditions (see full response in Appendix 4).

9. PARISH COUNCIL COMMENTS

¹ Planning Statement, p.6.

- 9.1 Neutral:**
- Comments sent earlier in error and should be removed.
 - Visibility plays require clarifications.
 - Access initially designed with splays of 43 metres for 30mph.
 - Proposed plan shows splays of 90 metres.
 - Maintenance arrangements for fencing, bins, benches, communal areas by the parish council or new residents through management committee.
 - Maintenance and ownership of footpath along the front requires clarification.
 - Who would be responsible for maintaining the meadows/open spaces and recreation areas?
 - Would street lighting be the responsibility of ECC Highways?

10. CONSULTEE RESPONSES

10.1 UDC Urban Design Officer

- 10.1.1** No objections. The applicant has worked positively with the local planning authority and has submitted an improved scheme that is acceptable in design terms and is in broad compliance with the Design Code.

10.2 UDC Housing Enabling Officer

- 10.2.1** No objections.

10.3 UDC Environmental Health

- 10.3.1** No objections subject to conditions.

10.4 UDC Landscape Officer/Arborist

- 10.4.1** No objections as the landscaping proposed for this scheme is positive. The addition of a central greenspace provides a social gathering space and the inclusion of many new street trees will increase the amenity of the development. Existing hedging to the street frontage as well as proposed hedging to the boundaries of the scheme will help soften its visual impact.

10.5 Place Services (Ecology)

- 10.5.1** No objections subject to a condition.

10.6 Crime Prevention Officer

- 10.6.1** Essex Police considered important that, if approved, this construction project is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design for which Secured by Design (SBD) is the preferred enabler. The consultee therefore requested a condition that the developer seeks to achieve the relevant Secured by

Design accreditation detailed within the current Secured by Design Residential guide for the development (whether the suggested condition meets the tests of paragraph 57 of the NPPF is explored in Section J of this report).

10.7 Anglian Water

10.7.1 No objections.

10.8 Affinity Water

10.8.1 No comments.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper and representations have been received.

11.2 Support

- 11.2.1**
- Thoughtfully planned.
 - The village remains vibrant and inclusive.
 - Opportunity for younger people and families to move into the village.
 - Appropriate design, style and layout in keeping with surroundings.
 - Respect for environment and heritage.
 - Landscaping plans encouraging.
 - Green spaces and planting.
 - Biodiversity and wellbeing contributions.
 - Visual impact of development considered.
 - Recent meeting with developed was informative community engagement.
 - Long term benefits and needs of future generations.

11.3 Object

- 11.3.1**
- Lack of consultation with community / poorly advertised.
 - Flood risk and drainage concerns.
 - Loss of arable land.
 - Too large a development for the size of the village.
 - No public consultation.
 - Detrimental effect to the environment.
 - Tandem parking arrangements unacceptable.
 - Car reliance.
 - Infrastructure capacity and connection concerns.
 - Noise, light pollution and other disturbances.
 - Concerns over responsibility / maintenance of public open space.
 - Appropriate boundary treatments needed.

- Trees on northern boundary within the curtilage of Rowney House.
- Land ownership issues (access, footpath).
- Three storey buildings.
- Lack of green/sustainability credentials.
- Loss of ancient verge.
- Many issues still not addressed.
- Originally the parish council opposed.
- District councillor supported the application.
- Concerns regarding affordability.
- Artist's impressions create illusion of more space.
- Green space has shrunk.
- Selling land to build 4/5 bedroom houses for profit.
- Concerns about parking.
- Highway safety concerns.
- No solar panels.
- Air source heat pumps are noisy.
- Flood risk and drainage concerns.
- Anglian Water pipes cross the site.
- Anglian Water objection.
- Loss of prime agricultural land.
- 9 no. bungalows refused within 300 metres.
- Urbanisation effects.
- Harm to the rural character and appearance of the area.
- Out of character.
- Potential for further development.
- Previous objections still stand / little changes in the scheme.
- Inappropriate appearance, density, location, scale.
- Changing ground levels.
- Housing types, design, layout remains unchanged.
- Limited services and facilities.
- Density not in keeping with open countryside.
- Conflict with local and national policies.
- Not edge-of-village location.
- Ecological and biodiversity concerns.
- Heritage harm.
- Land withdrawn from previous Local Plan.
- Unknown maintenance arrangements for SUDS.
- 2-bed properties are very small (3 persons).
- Noise, light pollution and other disturbances.
- Additional cycle tracks not proposed.
- Concerns over brief response from parish council.
- Inappropriate visibility splays and narrow new footpath.
- Urban estate design.
- Open spaces proposed not ideal.
- Outside development limits.
- Harm to the intrinsic character and beauty of the countryside.
- No heed of constructive feedback from the planning team.

- Traffic increase.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Lack of benefits for the village.
- Flats positioned at the highest point of the site.
- Not tenure blind.
- Anglian Water's suggested diversion / concerns over responsibility and connection.
- Insufficient garden for flats.
- Safety and security concerns.
- Inconsistencies between drawings.
- Inadequate visitor's parking spaces.
- No need for houses in Debden.
- Flood Risk Assessment does not consider situation elsewhere.
- Flood Risk Assessment is of concern.
- Land ownership issues.
- Harm to protected tree.
- Loss of trees and landscaping.
- Urban street scene with high visual impact.
- The proposed footway will harm the TPO'd tree.

11.4 Neutral

- 11.4.1**
- Debden Pentecostal Church entrance directly opposite the site entrance.
 - Condition to prohibit use of the church's carpark by construction or site workers' vehicles.
 - Concerns about mud from vehicles associated with site survey.
 - Mud created hazard to church members with mobility difficulties.

11.5 Comment

- 11.5.1** All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues. These and other civil matters have not been taken into consideration for the purposes of this report.

12. MATERIAL CONSIDERATIONS

- 12.1** In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to
- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - b) any local finance considerations, so far as material to the application, and
 - c) any other material considerations.

12.3 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport, Quendon & 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 (2024).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN6	Infrastructure Provision
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H9	Affordable Housing
	H10	Housing Mix
	ENV2	Development Affecting Listed Buildings
	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	Protection of Water Resources
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Neighbourhood Plan

13.3.1 There is no 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Supplementary Planning Document – Uttlesford District-Wide Design Code (2024)
 Supplementary Planning Document – Accessible homes and playspace (2025)
 Supplementary Planning Document – Developer's contributions (2023)
 Essex Design Guide
 Uttlesford Interim Climate Change Planning Policy (2021)
 Essex County Council Developers' Guide to Infrastructure Contributions (2020)
 Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024)
 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009).

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A Background (S7, GEN1, ENV5, NPPF)**
 - B Appearance, scale, layout, landscaping / Heritage impacts / Climate change (S7, GEN2, ENV2, ENV3, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**
 - C Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
 - D Access and parking (GEN1, GEN8, GEN6, parking standards, NPPF)**
 - E Ecology (GEN7, ENV8, NPPF)**
 - F Contamination (ENV14, ENV12, ENV13, NPPF)**
 - G Archaeology (ENV4, NPPF)**
 - H Flood risk and drainage (GEN3, GEN6, NPPF)**
 - I Housing mix and affordable housing (H10, H9, NPPF)**
 - J Other matters**

14.3 A) Background

- 14.3.1** 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 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 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 is still under examination, it should be afforded **limited** weight.
- 14.3.2** The principle of the development was accepted in UTT/20/0264/OP, which is an extant outline permission granted until 30 September 2025. Notwithstanding the changes in the NPPF (December 2024) and other changes in the Development Plan (including the introduction of the SPD Uttlesford District-Wide Design Code in July 2024 and the SPD Developer Contributions in March 2023), there is no material change in circumstances that would alter the view relating to principle and the principle of the development would remain acceptable, in accordance with paragraph 11(d)(ii) of the NPPF.
- 14.3.3** The outline permission (UTT/20/0264/OP) was granted subject to conditions and a section 106 agreement (which has been finalised and signed) that set out the terms in which affordable housing, public open space and the village hall contribution would be defined and sought.
- 14.3.4** Section B below elaborates the key differences of the current application with the earliest dismissed appeal (hereafter the '**2019 appeal**')² for 36 no. dwellings, and with the recently dismissed appeal (hereafter the '**2024 appeal**')³ for the reserved matters of 25 no. dwellings.

14.4 B) Appearance, scale, layout, landscaping / Heritage impacts / Climate change

14.4.1 Introduction:

The scope of outline and reserved matters permissions is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It limits reserved matters approval to issues of access; appearance; landscaping; layout; and scale with the following definitions:

- '**appearance**' means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

² APP/C1570/W/19/3231500 (UTT/18/1708/FUL) for a mix of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure and affordable housing – Appeal dismissed on 09 September 2019.

³ APP/C1570/W/24/3338206 (UTT/23/0878/DFO) for the erection of 25 no. private and affordable dwellings – details of access, layout, scale, landscaping and appearance. – Appeal dismissed on 03 October 2024.

- **‘landscaping’**, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;
 - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - (e) the provision of other amenity features.
- **‘layout’** means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- **‘scale’** except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings.

14.4.2 Revisions:

Minor revisions were received to ensure consistency between the various submissions or to resolve minor issues that would not materially affect any planning issues nor prejudice the rights of interested parties. These minor revisions include:

- Slightly amended size of visitors’ parking spaces.
- A more direct footpath outside the site to the centre of its frontage.
- Two additional benches and labelling of benches.
- Corrections to the legends of the drawings and how information is being presented (see landscaping features).
- Repositioning some cycle stores closer to garden entrances and labelling cycle stores.
- Omission of an additional gable shown on the Proposed Site Plan for plots 23 and 24 and addition of missing window and door on the side elevation of the same plots.

14.4.3 Comparison with UTT/18/1708FUL (‘2019 appeal’):

The 2019 appeal scheme (see image) was on a more sizeable version of the current site with 11 no. more units and more built form proposed and significant differences in the layout, appearance, scale and landscaping details to the application in hand. The Inspector noted that the Highfields estate to the north of the site (above Rowney House) was not a prominent departure from the grain of the village as it was screened from the rural landscape by a dense planting belt to its west⁴. However, unlike that scheme, the current proposal would be looser with less units and built form and with the western boundary stepped back to coincide with the development envelope, which would offer a softer perception of the

⁴ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 7.

houses to the public footpath users to the west. Also, the layout would now include 3 tiers of built form (unlike the 4 tiers of the 2019 scheme).



14.4.4 The Inspector indicated that a smaller scheme would be materially different to the '2019 appeal' scheme; in his words *"the draft allocation is for approximately 25 homes on a smaller parcel of land. A scheme coming forward in the context of this allocation, if adopted, would be materially different to what is before me"*⁵. Although the site has not been allocated in the latest draft Local Plan (Reg19), outline permission has already been granted (UTT/20/0264/OP) following this Inspector's suggestion.

14.4.5 Comparison with UTT/23/0878/DFO ('2024 appeal'):

The key differences with the '2024 appeal' scheme (see image) include but are not limited to:

1. Open space at the centre of the site with benches and plantings.
2. Sustainable urban drainage systems (SUDS) only on the south-eastern corner of the site.
3. Plots reconfigured for active frontages, including corner plots 1, 2, 10, 11 with dual frontages.
4. Dead-ends with terminating vistas, including garages.
5. Informal footpath along the northern boundary for permeability.
6. Triple tandem parking omitted and visitors' parking rearranged.
7. Native hedges and post & rail fencing on southern and western boundaries (as part of a full landscaping scheme).
8. Pedestrian access to Thaxted Road repositioned closer to the new central open space.

⁵ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 28.



14.4.6 The putative *reason for refusal* that the council defended in the 2024 appeal included references to harm on the character and appearance of the area and a conflict between public open space and SUDS, and is given below:

The proposed development, by reason of its appearance, scale and layout, would be detrimental to the character and appearance of the area on a visually sensitive location at the entrance to the village. The layout would create a conflict between the public open space and the sustainable urban drainage systems associated with flood risk mitigation. Triple tandem parking arrangements and the size of the block of flats along with its proximity to existing residential properties, would harm the visual amenity of the area. The development will not function well and add to the overall quality of the area over its lifetime, will not be visually attractive as a result of good layout and will not be sympathetic to the local character, including the surrounding built environment and landscape setting. Therefore, the proposal would fail to comply with policies S7, GEN2(a)-(b) and GEN6 of the Local Plan, and paragraphs 135(a)-(c) of the NPPF.

14.4.7 The Inspector criticised the council's position as the urbanisation of an open field on a prominent location at the edge of the settlement "*would have been expected when outline permission was granted*" with certain expectations on density and layout; and warned that "*The inevitable change in character precipitated by the granting of outline permission is not sufficient reason to withhold planning permission*"⁶.

⁶ APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraph 12.

- 14.4.8** The Inspector confirmed the 2.5-storey block of flats is acceptable as “*the height would not be excessive, and the design of the flats would complement that of the other dwellings. The building would be seen in the context of the remainder of the estate and would not appear unduly dominant in this context*”⁷. The Inspector found the ‘triple tandem parking’ acceptable as it would only affect a relatively small proportion of the development and an overspill of vehicles on Thaxted Road would be highly unlikely given the self-contained nature of the estate⁸. He also found that only a small proportion of the site may not benefit from active frontages and that there is “*substantial potential for new or improved landscaping*”⁹.
- 14.4.9** The Inspector concluded that “*the layout and design of the dwellings would be acceptable and would not result in unacceptable harm to the character and appearance of the area*”, in compliance with policies S7, GEN2 of the Local Plan, and paragraph 135 of the NPPF.
- 14.4.10** Notwithstanding the Inspector’s conclusion, and given the formal adoption of the SPD Uttlesford District-Wide Design Code (July 2024), the applicant entered into pre-application discussions (UTT/24/2896/PA) with council officers to improve the scheme and address previous concerns (see paragraphs 7.2 – 7.3 above). The baseline for the current assessment should be defined by, and balanced from, both the Inspector’s decision and the new Design Code.
- 14.4.11** Appearance, scale and layout:
The application analysed the site’s context and found that the pattern of development in Debden includes expansions that are unique in character and architectural identity¹⁰. However, this does not necessarily mean that the identity of housing near the site is of merit that should be reproduced; on the contrary, the housing stock across the road is primarily modern, post-war former council housing or generic housing stock¹¹. This analysis concurs with the ‘2024 appeal’ decision where the Inspector confirmed that “*Existing dwellings in the vicinity of the site are also of a wide range of styles and ages and thus there is no sense of an [sic] homogenous character*”¹². Therefore, notwithstanding concerns of interested parties that the proposal is out-of-character, the application is correct to propose a unique identity for the development “*which doesn’t seek to ‘copy’ any areas of the village, and as such propose high-quality design which avoids developer style house types copied across from site to site*”¹³.

⁷ APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraph 14.

⁸ APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraph 13.

⁹ APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraphs 15 – 16.

¹⁰ Design and Access Statement, p.14.

¹¹ Design and Access Statement, p.20.

¹² APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraph 14.

¹³ Design and Access Statement, p.14.

- 14.4.12** The Urban Design officer confirmed that the application showed in the Design and Access Statement how the scheme would comply with the Uttlesford District-Wide Design Code (2024) and concluded that the development is improved in comparison to UTT/23/0878/DFO and “*is acceptable in design terms*”.
- 14.4.13** The design of the proposed dwellings would indeed remove the suburban aesthetic¹⁴ of UTT/18/1708/FUL and the more neutral appearance of UTT/23/0878/DFO in favour of a vivid and varying visual identity that would make the development compatible with the surrounding buildings and the edge of the village location. The Urban Design officer noted that the proposed materials indicate a good mix of natural materials that are appropriate for a rural location (and as such materials would not need to be conditioned).
- 14.4.14** The open space to be created at the heart of the site with benches and trees would be actively overlooked by houses on the central street (see images). This is an important change to the ‘2024 appeal’ scheme, moving away from an unpleasant layout dominated by parking and fences for back-to-back gardens towards creating a *focal* point within the development that would boost social interaction and vibrancy in the new neighbourhood. The Urban Design officer characterised the central open space a significant improvement on the previous layout that creates an attractive, accessible and focal feature within the development in line with good placemaking principles. The re-designed corner plots 1, 2, 10, 11 with dual frontages would create a sense of place in the area and increase natural surveillance of the central open space. Pedestrian permeability would be improved across the site by this central open space and by a new footpath proposed along the northern site boundary.



- 14.4.15** The Inspector¹⁵ confirmed a conflict between drainage and open space in the previous reserved matters due to their overlap that raised health and safety concerns for users of the open space being simultaneously an attenuation pond, and concluded “*insufficient comfort that a satisfactory drainage scheme can be provided while still providing adequate levels of usable public open space*”, contrary to policy GEN6 of the Local Plan. The application however resolved this conflict by creating usable open spaces (one at the centre of the site and another immediately north of the access road) and by dedicating SUDS provision only to the southernmost portion

¹⁴ The suburban character of the ‘2019 appeal’ scheme was due to its failure to reflect the local vernacular, the lack of a verdant appearance and its out-of-scale proportions in relation to Debden (APP/C1570/W/19/3231500 / UTT/18/1708/FUL, paragraphs 12 – 13).

¹⁵ APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraphs 6, 10.

of the site, which would mitigate any overlap in the function of those spaces. All plots would be close to open space with their occupants being equally able to enjoy them.

- 14.4.16** The improved layout would provide a linear arrangement of houses to the site's frontage (see images), creating a defined edge within the site and an appropriately unified front that would be in keeping with the linear character of the houses opposite Thaxted Road. The open space to the front would soften visual impacts of the development as perceived by highway users and more sensitive receptors, such as the residents across the road. The development would be a natural extension to the village rather than a prominent departure from the local pattern of development or a visually separate and discordant incursion into the rural landscape as the '2019 appeal' scheme¹⁶.



- 14.4.17** Triple tandem parking would not be present in the layout and dead-ends would have terminating vistas with garages (see images). The layout would allow all dwellings to benefit from sufficient private amenity space with appropriate distancing between them and existing properties, whilst the apartment block (plots 13-17) would include communal space in excess of the typical requirement (see Section C). Refuse collection would take place from within the site with refuse vehicles being able to enter and exit the site (and all its plots) in a forward gear. Intra-site navigation for pedestrians and cars would be easy and convenient on the shared surfaces.



- 14.4.18** Essex Police (Crime Prevention officer) reported that the project should be designed incorporating the maximum benefit of 'Crime Prevention Through Environmental Design' for which Secured by Design (SBD) is the preferred enabler. The consultee therefore raised **no objections** subject to a condition to achieve the relevant SBD accreditation. However, this condition would not be reasonable, precise or enforceable (contrary to paragraph 57 of the NPPF) as the design of the development cannot change post-decision. The Crime Prevention officer noted interest in the 1.2-metre post and rail fencing combined with mixed-native hedgerows and in the street furniture, but such details can be secured through a

¹⁶ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 9.

condition or have been secured already with the signed section 106 agreement.

- 14.4.19** Turning to scale, the Inspector was clear that the apartment block would be of appropriate scale and design and not appear unduly dominant in its context (see paragraph 14.4.7 above and images below). The apartment block proposed now is the same as the one considered by the Inspector, and therefore a different conclusion would not be reasonably justified. The height of the block of flats would be marginally higher than plots 4 and 5 fronting Thaxted Road with one of the flats being within the roof. Siting the most sizeable building away from the site's edges would be sensible in place-making terms as it would preserve the area's character and streetscene. Therefore, notwithstanding the concerns raised by neighbours and the planning committee, the size and position of the apartment block would be appropriate. A condition is necessary to improve accessibility and social inclusion for all potential users for the apartment block, in accordance with policy GEN2(c) of the Local Plan, and paragraph 135(f) of the NPPF.



- 14.4.20** In addition, although the proposed dwellings would be of varying scales¹⁷, there would be fewer units than the '2019 appeal' scheme, which would assist the development to read as a "*natural, integrated and harmonious extension*" to Debden¹⁸ and its landscape setting.
- 14.4.21** The proposal would not involve any significant changes in the existing ground levels across the site and the proposed dwellings have been designed to respond in scale to the existing ground levels, as shown in the Proposed Section drawings.
- 14.4.22** Overall, the appearance, scale and layout of scheme would be acceptable and the development would comply with policies S7, GEN2 of the Local Plan, which require, amongst other things, development to be of an appearance that protects or enhances the particular character of the part of the countryside within which it is set, and that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings and safeguards important environmental features in its setting.
- 14.4.23** The proposals would further comply with paragraph 129 of the NPPF, which (inter alia) supports development that makes efficient use of land taking into account the identified need for different types of housing and

¹⁷ Including larger detached dwellings, smaller semi-detached properties, a bungalow and a block of flats.

¹⁸ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 13.

the availability of land suitable for accommodating it and the desirability of maintaining an area's prevailing character and setting. It would also comply with paragraph 135 of the NPPF, which states that planning decisions should ensure developments (a) will function well and add to the overall quality of the area over their lifetime, (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character, (d) establish a strong sense of place, (e) sustain an appropriate amount and mix of development (including green and other public space) and (f) create places that are safe, inclusive and accessible. Finally, the proposals would comply with paragraph 139(a) of the NPPF that places significant weight to (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design codes.

- 14.4.24** The development would comply with codes C1.1C, B1.1C, ID1.1C, B1.5C, B2.3C, B2.4C, M2.1C, M3.11C, P1.1C, P1.3C, N1.5C and others of the 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) and a built form analysis for the arrangement of buildings and their relationship to open spaces; a relationship with the area's local character; a combination of building typologies to create interest and variety; 'active' frontages to existing infrastructure and corner buildings; movement routes with natural surveillance; and public spaces must have a clear function and not be leftover spaces and must be overlooked and demonstrate genuine recreational value.

14.4.25 Landscaping:

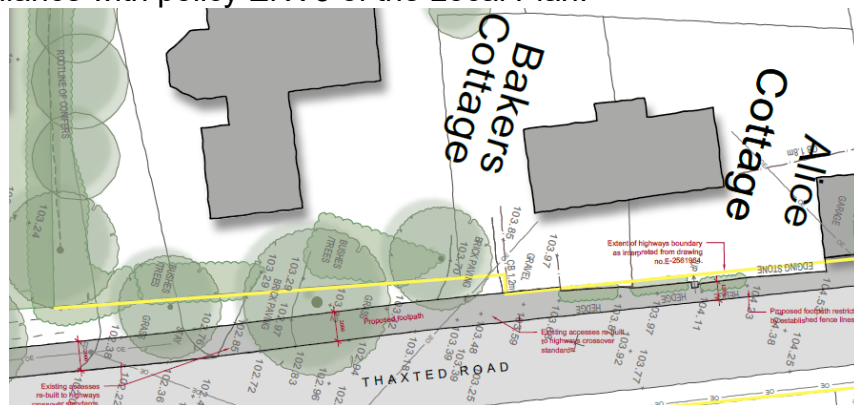
The landscaping proposals would create open spaces to the front and centre of the site with meadows and trees, as well as new native hedges and trees on the northern, southern and western boundaries, whilst retaining the existing front hedge (except for the part of the access). These features would create green corridors within and around the site, improving the experience of residents and softening the appearance of the development in this rural location. Open spaces would benefit from well-designed benches and footways to ensure they can be enjoyed by the residents and become focal points of the new neighbourhood.

- 14.4.26** The Landscape Materials Booklet submitted with the application shows hard landscaping details, including asphalt for the access and start of the drive, as well as pre-cast concrete block paving for the shared streets where the plots would be facing onto. The details will need to be revised as part of a landscaping condition to add close boarded fencing to the back of plots 5 and 6 (including around the corner for plot 6). Close boarded fencing would be restricted only between gardens without enclosing the site, to eliminate a suburban appearance for the site. Close boarded fencing would also be avoided within the internal streetscenes to make the built environment visually interesting and vibrant; a brick wall

would be backing onto the central open space softened with green screening.

14.4.27 The Landscape officer raised **no objections** and reported that the proposed landscaping for this scheme is positive. The addition of a central greenspace provides a social gathering space and the inclusion of many new street trees will increase the amenity of the development. Existing hedging to the street frontage as well as proposed hedging to the boundaries of the scheme will help soften its visual impact.

14.4.28 Turning to the protected tree¹⁹, despite the Inspector's concerns about *"how the provision of a pavement along Thaxted Road would be compatible with the retention of this tree"*²⁰, the case officer for the outline application (UTT/20/0264/OP) stated that the Proposed Footpath Link drawing showed that the protected tree would be retained due to the limited infringement of the hardstanding over its root protection area (RPA) and protective measures during construction. Notwithstanding the above and similar concerns by interested parties, the Landscape officer confirmed that the risk to the protected tree to the front of Rowney House can be mitigated with a condition for a no-dig 3D Cellular Confinement System with permeable surfacing for the part of the proposed footway that will encroach onto the RPA of the tree. The footway proposed by the current application is the same as submitted in UTT/23/0878/DFO and UTT/20/0264/OP. Protective measures for the tree would also need to be conditioned during construction. These two conditions would ensure compliance with policy ENV3 of the Local Plan.



14.4.29 Heritage impacts:

Most of the listed buildings in the village are in Debden's historic core. The closest listed buildings to the application site are West View (Grade II) to the north, Miller's Farmhouse (Grade II) to the south-east and Brocktons Farmhouse (Grade II) to the south-west. However, notwithstanding the comments from interested parties indicating otherwise, due to the considerable distance and intervening built form, the site does not currently contribute to the setting and significance of above listed buildings and how they are experienced.

¹⁹ Tree Preservation Order (TPO) reference 11/94/09.

²⁰ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 30.

14.4.30 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, 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.

14.4.31 Climate change:

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 pumps²¹ for each plot to reduce energy consumption. Total water consumption for each plot should not exceed 110 litres per person per day as set out in policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan.

14.5 **C) Residential amenity**

14.5.1 The proposed units would have bedroom/persons occupancies (XBYP) and gross internal areas (GIA) that exceed the minimum thresholds²² (see list below). Therefore, the units would offer appropriate living space to their occupants, to the benefit of their residential amenity, in accordance with policy GEN2(c) of the Local Plan, and paragraph 135(f) of the NPPF.

- Plot 1: 4B7P (> threshold 115 square metres/sqm)
- Plot 2: 3B5P (> threshold 93 sqm)
- Plot 3: 3B4P (> threshold 84 sqm)
- Plot 4: 3B4P (> threshold 84 sqm)
- Plot 5: 3B4P (> threshold 84 sqm)
- Plot 6: 4B8P (> threshold 124 sqm)
- Plot 7: 3B4P (> threshold 84 sqm)
- Plot 8: 3B4P (> threshold 84 sqm)
- Plot 9: 3B5P (> threshold 93 sqm)
- Plot 10: 3B5P (> threshold 93 sqm)
- Plot 11: 3B5P (> threshold 93 sqm)
- Plot 12: 3B4P (> threshold 84 sqm)
- Plots 13-17:
 - Plot 13 (Flat 1): 2B3P (> threshold 61 sqm)
 - Plot 14 (Flat 2): 1B2P (> threshold 50 sqm)
 - Plot 15 (Flat 3): 2B3P (> threshold 61 sqm)
 - Plot 16 (Flat 4): 1B2P (> threshold 50 sqm)
 - Plot 17 (Flat 5): 2B3P (> threshold 61 sqm)
- Plot 18: 2B3P (> threshold 61 sqm) single storey
- Plot 19: 3B4P (> threshold 84 sqm)

²¹ Design and Access Statement, p.28.

²² See Technical Housing Standards – Nationally Described Space Standard.

- Plot 20: 3B4P (> threshold 84 sqm)
- Plot 21: 3B4P (> threshold 84 sqm)
- Plot 22: 3B4P (> threshold 84 sqm)
- Plot 23: 3B5P (> threshold 93 sqm)
- Plot 24: 3B5P (> threshold 93 sqm)
- Plot 25: 4B8P (> threshold 124 sqm).

14.5.2 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, Environmental Health raised **no objections** subject to conditions. The condition refers to the noise from the operation of air source heat pumps not exceeding the British Standard levels; however, the condition shall be re-worded to comply with paragraph 57 of the NPPF. Conditions 9 (electric vehicles chargers) and 14 (watching brief for land contamination) remain relevant as part of the outline permission. The information submitted would not satisfy these conditions from the outline permission. In addition, a condition for a construction method statement (CMS) would be necessary as originally recommended in the outline application. A condition to control the use of external lighting would also be necessary to safeguard residential amenities within and outside the site and preserve the rural character of the area.

14.5.3 Turning to private gardens, the SPD Uttlesford District-Wide Design Code requires private amenity space to be 50 sqm or of equal footprint of each 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. For flats, the Design Code requires a minimum balcony/terrace of 5 sqm for 2 no. persons plus 1 sqm per additional occupant, or private communal space, where there is no public open space within 400 metres, of 25 sqm per apartment. The proposed units would provide sufficient amenity spaces to the benefit of the living conditions of their occupants, in accordance with paragraph 135(f) of the NPPF, and policy GEN2(c) of the Local Plan.

14.5.4 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 development to the residential amenity of neighbouring occupiers and the occupants of the units in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.5 Potential overlooking and loss of privacy:

Notwithstanding the comments from neighbouring occupiers regarding the potential loss of privacy, the proposed development would not materially harm the residential amenity of any existing neighbouring occupiers.

- **Plots 2-6 and 11-17:** Back-to-back distances would be at least 25 metres, eliminating overlooking between habitable room windows at rear elevations.
- **Plot 6:** Plot 6 would not have upper floor windows facing north and the position of Rowney House would exclude the possibility of compromising the privacy of those units.

- **Plots 13-17 (flats):** No windows at upper floor level facing north (towards the extant dwellings in UTT/22/1639/FUL) are proposed. The communal garden for the flats would be private as the extant unit to the back of Rowney House would have 2 no. small bedroom windows at upper floor level facing south towards the blank north elevation of the apartment block.
- **Plot 18:** Plot 18 is a bungalow but upper floor bedroom windows from a permission for an extant dwelling (UTT/22/1639/FUL) at the rear of Rowney House face the private garden of plot 18. However, the distance between the front façade of the extant dwelling to the nearest corner of plot 18 would be 11.6 metres and views to the garden would not be direct. Although the green screening on the northern site boundary cannot be relied upon continuously, the indirect views into the private garden of plot 18 would not materially harm the residential amenity of the future occupants of plot 18.
- **Plots 24-25:** Ensuite window of plot 24 would not be directly facing bedroom 2 window of plot 25.

14.5.6 Potential overshadowing and loss of light:

Following careful considerations of the objections submitted by neighbouring occupiers, due to their size, scale and position, the proposed buildings would not lead to material overshadowing of, and loss of light to, the private gardens or habitable room windows of any proposed, extant or existing properties that would harm the residential amenity of their occupiers.

14.5.7 Potential overbearing effects:

The distance between the proposed buildings, and between the proposed units and neighbouring properties, as well as and the position of apartment block away from the northern site boundary, 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.

14.5.8 Overall, the proposal would safeguard 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.

14.6 **D) Access and parking**

14.6.1 Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines '**access**' as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

14.6.2 From a highway and transportation perspective and notwithstanding the concerns raised by interested parties, following review of the submitted information, the Highway Authority raised **no objections** subject to

conditions in the interests of highway safety, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (February 2011), policy GEN1 of the Local Plan, and paragraphs 116 and 115(b) of the NPPF. The conditions refer to the construction of the access, the surface treatment of the access (which fails paragraph 57 of the NPPF), the provision of parking and turning areas, and cycle parking.

14.6.3 Conditions 4 (visibility splays), 5 (footway), 6 (improvements to passenger transport infrastructure), 7 (Construction Management Plan) and 8 (residential travel information pack) remain relevant as part of the outline permission. The information submitted would not satisfy these conditions from the outline permission.

14.6.4 Parking standards require 2 no. spaces for 2-bed dwellings and 3 no. spaces for 4+-bed dwellings. The number and size of parking spaces on the submitted drawings, including covered spaces, would meet the requirements (see below). Following revisions, the proposals would also provide a sufficient number and size of visitors' parking spaces (6 no spaces in total).

Plots (no.)	Beds (no.)	2009 & 2013 parking standards (no. spaces)		2024 parking standards (no. spaces) – for moderate connectivity		Proposed car parking (no. spaces)
		Car	Cycle	Car	Cycle	
Plot 1	4	3	1	2	3	3
Plot 2	3	2	1	2	3	2
Plot 3	3	2	1	2	3	2
Plot 4	3	2	1	2	3	2
Plot 5	3	2	1	2	3	2
Plot 6	4	3	1	2	4	3
Plot 7	3	2	1	2	3	2
Plot 8	3	2	1	2	3	2
Plot 9	3	2	1	2	3	2
Plot 10	3	2	1	2	3	2
Plot 11	3	2	1	2	3	2
Plot 12	3	2	1	2	3	2
Plot 13	2	2	1	2	2	2
Plot 14	1	1	1	1	1	1
Plot 15	2	2	1	2	2	2
Plot 16	1	1	1	1	1	1
Plot 17	2	2	1	2	2	2
Plot 18	2	2	1	2	2	2
Plot 19	3	2	1	2	3	2
Plot 20	3	2	1	2	3	2
Plot 21	3	2	1	2	3	2
Plot 22	3	2	1	2	3	2
Plot 23	3	2	1	2	3	2
Plot 24	3	2	1	2	3	2
Plot 25	4	3	1	2	4	3
TOTAL	-	50	25	48	69	51

- 14.6.5** 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), and policy GEN8 of the Local Plan.

14.7 E) Ecology

- 14.7.1** Place Services Ecology, following review of the submitted information, raised **no objections** subject to a condition to secure biodiversity mitigation and enhancement measures. The development would accord with paragraphs 44, 187(d) and 193 of the NPPF, and policies GEN7 and ENV8 of the Local Plan. The condition refers to reptile method statement. Following the consultee's comments, the concerns raised by interested parties around ecology and biodiversity are addressed. Natural England has **refrained** from commenting.

- 14.7.2** Conditions 15 (action in accordance with appraisal recommendations), 16 (construction environmental plan), 17 (biodiversity enhancement strategy), 18 (landscape and ecological management plan) and 19 (lighting scheme) remain relevant as part of the outline permission.

- 14.7.3** Biodiversity Net Gain duty:
Biodiversity Net Gain (BNG) is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990; paragraph 13 of Schedule 7A states that every 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, and (b) the LPA has approved the plan. The development is **exempt** from BNG as the outline permission was granted prior to the introduction of this legislation.

14.8 F) Contamination

- 14.8.1** Environmental Health raised **no objections** without conditions for the protection of human health and the environment. The development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. Conditions 9 (electric vehicles chargers) and 14 (watching brief for land contamination) remain relevant as part of the outline permission. The information submitted would not satisfy these conditions from the outline permission.

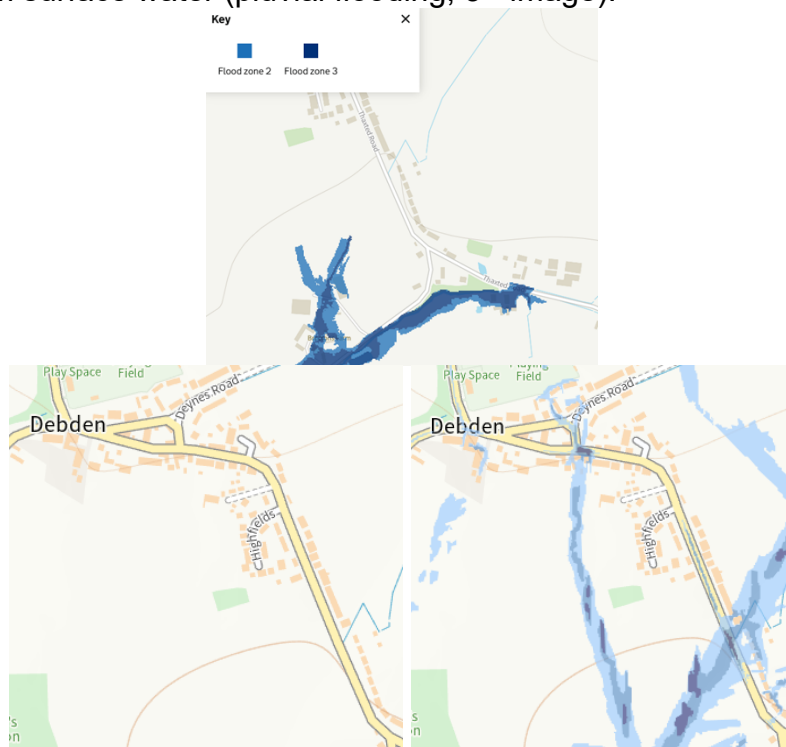
14.9 G) Archaeology

- 14.9.1** Place Services Archaeology was not consulted for the current application, but the consultee reported in UTT/23/0878/DFO that the development "*lies within a potentially sensitive area of heritage assets*" and raised **no objections**. The development would comply with paragraphs 205(b) and 207 of the NPPF, and policy ENV4 of the Local Plan. Condition 20

(archaeological investigation through trial trenching followed by open area excavation) remains relevant as part of the outline permission. The information submitted would not satisfy this condition from the outline permission.

14.10 H) Flood risk and drainage

14.10.1 The following images show flood zones 2 and 3 (1st image), as well as the extent of yearly chance of flooding from rivers (fluvial flooding, 2nd image) and from surface water (pluvial flooding, 3rd image):



14.10.2 Although the site falls within Flood Zone 1, footnote 63 in paragraph 181 of the NPPF states that a site-specific Flood Risk Assessment (FRA) should accompany all proposals in Flood Zone 1 involving sites of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As these apply here an FRA was submitted.

14.10.3 The putative reason for refusal which the Council defended at the '2024 appeal' for UTT/23/0878/DFO included concerns over the functionality of the then proposed Sustainable Urban Drainage Systems (SUDS), and specifically that *"The layout would create a conflict between the public open space and the sustainable urban drainage systems associated with flood risk mitigation"*²³.

14.10.4 The Inspector backed up this part of the putative reason for refusal and considered the concerns well founded noting that *"If permission were to be granted based on the submitted plans, then it is not clear whether the*

²³ LPA Statement of Case (UTT/23/0878/DFO), paragraph 4.1.

*development would be capable of meeting the necessary requirements of policy, or expectations of the outline permission and associated S106 agreement, in terms of either drainage or open space provision*²⁴. The Inspector thus concluded that *“this lack of clarity, and associated level of uncertainty, is not something that should be addressed by condition. Accordingly, there is insufficient comfort that a satisfactory drainage scheme can be provided while still providing adequate levels of usable public open space”*²⁵ and found the 2024 scheme to conflict with policy GEN6 of the Local Plan.

14.10.5 In response to the appeal decision, the application proposes an indicative drainage strategy including an infiltration basin to the south-eastern corner of the site on its lowest point²⁶. Following receipt of additional technical data (requested by the statutory consultee) and following revisions to move the basin away from the foul water sewer that crosses through this corner of the site (requested by Anglian Water), the Local Flood Authority (Essex County Council) raised **no objections** subject to conditions and the development would comply with policies GEN3, GEN6 of the Local Plan and paragraphs 181, 170 of the NPPF. The conditions refer to a detailed surface water drainage scheme (and assessment of the hydrological and hydrogeological context of the development, a scheme to minimise risk of offsite flooding by surface water runoff and groundwater, maintenance arrangements, and yearly logs of maintenance.

14.10.6 However, the above conditions have already been imposed in the outline permission (see conditions 10 – 13 in UTT/20/0264/OP), and therefore they are not necessary again (contrary to paragraph 57 of the NPPF). The only exemption to this is some additional elements required by the consultee for the first condition (detailed surface water drainage scheme), and as such this condition shall be repeated with the additional elements and shall be discharged together with condition 10 in UTT/20/0264/OP; these elements are:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

14.10.7 Anglian Water raised **no objections** subject to a condition to secure details of the location of existing drainage assets and the proposed asset easements of 6 metres. Although the condition is recommended to protect and ensure ongoing maintenance of the Anglian Water asset (foul water sewer) crossing through the south-eastern corner of the site, it would not meet the tests of paragraph 57 of the NPPF, as the required details would be provided in any case as part of the condition 10 of the outline and

²⁴ APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraph 6.

²⁵ APP/C1570/W/24/3338206 (UTT/23/0878/DFO), paragraph 10.

²⁶ Flood Risk Assessment, paragraph 2.1.3.

condition 4 of the reserved matters; the condition recommended by Anglian Water will be used as an informative. It is not for Anglian Water to say where SUDS should be located, as it has already been established that this should not overall with the open spaces. Anglian Water also stated that wastewater treatment is within the acceptance parameters and accepted that the sewage system has capacity for the flows associated with the proposed development.

- 14.10.8** The indicative surface water drainage scheme would prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site, as well as it would ensure the effective operation of SUDS over the lifetime of the development and would provide mitigation of any environmental harm which may be caused to the local water environment. Therefore, despite concerns raised by interested parties, the proposal would not increase flood risk on site or elsewhere subject to conditions.

14.11 I) Housing mix and affordable housing

14.11.1 Housing mix:

Policy H10 of the Local Plan applies on sites of 0.1 hectare and above or of 3 or more dwellings, requiring a significant proportion of market housing comprising small properties. Policy H10 does not reflect the flexibility in the NPPF for the housing mix to be based on up-to-date local evidence of need and take account of local circumstances. 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 shall be afforded **significant** weight by virtue of paragraphs 61 and 63 of the NPPF.

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

- 14.11.2** The proposed development would include the following housing mix:

	1-bed	2-bed	3-bed	4+-bed	Total
Market	-	-	12 (80%)	3 (20%)	15
Affordable shared ownership	-	-	3 (100%)	-	3 (30%)
Affordable rent	2 (29%)	4 (57%)	1 (14%)	-	7 (70%)
Total	2 (8%)	4 (16%)	16 (64%)	3 (12%)	25

- 14.11.3** The application proposes more 3-bed dwellings and less than 4-bed dwellings than the need shown in the table in paragraph 14.11.1 above,

however, since this covers more smaller properties and reflects the general trend for more 3-bed units, the proposed housing mix would be acceptable. The development would provide an appropriate housing mix, in compliance with policies H10, GEN2(c) of the Local Plan, code U1.5C of the SPD Uttlesford District-Wide Design Code, and paragraphs 61 and 129(a) of the NPPF. The Housing officer raised **no objections** to the housing mix.

14.11.4 Affordable housing:

Policy H9 of the Local Plan require a 40% affordable housing contribution from major development. The proposals would comply with the above policy subject to the signed planning obligation (section 106). The Housing officer raised **no objections** to the affordable housing provision, as the affordable tenure split would be 70% affordable rent and 30% shared ownership. Finally, concerns were raised by neighbours regarding the position of affordable units, however the affordable units would be tenure blind given their design and spread within the application site (see for example the image below).



14.12 **J) Other matters**

- 14.12.1** The Safeguarding Authority for Stansted Airport have **no objections** subject to conditions to secure flight safety. The conditions refer to measures for draining the proposed attenuation pond and measures to minimise dust and smoke during construction works. The consultee had not recommended other conditions for the outline permission.

15. **ADDITIONAL DUTIES**

15.1 **Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

15.2 Human Rights

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

16. CONCLUSION

- 16.1** The details of access, scale, appearance, landscaping and layout would be acceptable based on the assessment undertaken on this report and the consultation responses received. The conditions in the outline permission remain relevant. Affordable housing, public open space and a village hall contribution have been secured through the signed section 106 agreement at the outline stage of the development.
- 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 **not** 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, in accordance with paragraph 11(d)(ii) of the NPPF.
- 16.3** It is therefore recommended that the application be approved subject to conditions.

17. CONDITIONS

- 1** The development hereby permitted must be begun no later than the expiration of two years from the date of this decision.

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

- 2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 3** Prior to commencement of the development hereby approved, a Reptile Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles during the construction phase.

Thereafter, the approved measures and/works shall be adhered to during the construction phase of the development hereby approved until the first residential unit will be occupied.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2024).

- 4** Prior to commencement of the development hereby approved and together with condition 10 from the outline permission (UTT/20/0264/OP), a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no offsite flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local

water environment in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005). Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 5** Prior to any works above slab level, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site (including operating hours, the location of plant and wheel washing facilities) and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. Thereafter, the approved CMS shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV10, ENV11, and the National Planning Policy Framework (2024).

- 6** Prior to any works above slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) means of enclosure of the land (boundary treatments including photographs);
- b) trees, hedges or other soft features to be retained;
- c) trees, hedges or other soft features proposed to be planted, including specifications of species, sizes, planting centres, number and percentage mix;
- d) existing and proposed hard surfacing and other hard landscaping features and materials (including photographs);
- e) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- f) management and maintenance details;
- g) existing and proposed finished levels (earthworks to be carried out).

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species.

REASON: To preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2024).

- 7 Prior to occupation of the apartments (plots 13, 14, 15, 16, 17) hereby approved, a scheme of accessibility measures with appropriate drawing(s) shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme of accessibility measures shall be implemented as approved before the apartments are first occupied as such and shall be retained as such at all times.

REASON: To provide an environment which meets the reasonable needs of all potential users, to ensure the highest standards of accessibility to all and social inclusion, in accordance with policy GEN2(c) of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2024).

- 8 Prior to occupation of the development hereby approved, 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 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. Thereafter, the access shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 9 Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times and shall not be used other than for the benefit of the occupants of the dwellings hereby approved.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

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

REASON: To ensure appropriate cycle/powered two wheeler parking is provided in the interest of highway safety and amenity, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 11** Prior to first use, details of any external lighting to be installed on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated (lighting contours), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2024).

- 12** Prior to first use of the air source heat pumps hereby approved, an acoustic assessment for all noise-generating fixed plant and a noise mitigation scheme, in line with the methodology of British Standard 4142:2014, shall be submitted to and approved in writing by the local planning authority.

The acoustic assessment and noise mitigation scheme shall ensure that:

a) at any time the plant rating level calculated according to British Standard 4142:2014 shall not exceed the measured typical day and night-time LA90 background levels at any noise sensitive receptor, and

b) that the measured or calculated plant specific noise level (i.e. in the absence of any rating penalties) does not exceed 5dBA below the typical day and night-time LA90 levels (subject to a lower specific noise level requirement of 30dBA) at any noise sensitive receptor.

Thereafter, the noise mitigation scheme shall be implemented in full prior to first use of the air source heat pumps and shall be maintained as such at all times and replaced in whole or in part as often is required to ensure compliance with the specified in points (a) and (b) above.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, ENV11, and the National Planning Policy Framework (2024).

- 13** The attenuation basin hereby approved shall remain dry unless during or immediately after an extreme rainfall event. In any such event the attenuation basin shall be drained away within 48 hours.

REASON: In the interests of flight safety by preventing the increase in the number of hazardous birds in the vicinity of Stansted Airport, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2024).

- 14** Before, during and after the construction period (including demolition and excavation), no dust/smoke clouds shall occur or be created on, near or above the site and no airborne debris shall be created on or blown from the site from waste materials during or after the construction period, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2024).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS (HIGHWAY AUTHORITY)

Your Ref: UTT/25/1160/DFO
Our Ref: 31506
Date: 6th June 2025



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/25/1160/DFO
Applicant	Mr I Ford
Site Location	Land To the West of Thaxted Road Debden Essex
Proposal	Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, appearance, landscaping, layout and scale

The Highway Authority has reviewed the supporting information and plans submitted with the application, including the Transport Assessment, Revision 4, dated March 2025, the Proposed Site Plan Drawing Number PL13 Rev. I and the Means of Access Plan Drawing Number 700-C. In the review of the application, the following was considered: access and safety; the opportunities for sustainable transport; mitigation measures; and the planning history of the Site.

The Highway Authority has undertaken a detailed review of the information provided as part of this application. A number of inconsistencies within the Transport Assessment including visibility splay provision based on the recorded vehicle speeds have been identified.

The Highway Authority further reviewed the raw data used by the applicant, as well as data from a more recent traffic/speed survey undertaken by Essex Highways. As a result, the Highway Authority has concluded that the proposed visibility splays of 2.4 metres by 90 metres accord with the current standards for the recorded vehicle speeds on Thaxted Road, and a safe and suitable access to all road users can be achieved.

All highway and transport conditions from the outline permission UTT/20/0264/OP remain relevant and applicable to the proposal.

All housing development in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

1. Prior to occupation of the development the vehicular access shown in principle in Drawing Number PL13 Rev. I 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 6 metres, shall be retained at that width for a minimum of 15 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

2. 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.

3. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

4. The cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities 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 interests of highway safety and amenity.

The above conditions are required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2024 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and Uttlesford Local Plan Policy GEN1.

Note:

- i. As previously identified in UTT/20/0264/OP, the recorded vehicle speeds are higher than the signed speed of Thaxted Road.

Informatives:

- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

- iii. 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.
- iv. There shall be no discharge of surface water onto the Highway.
- v. Within the limits of the junction with Thaxted Road, the longitudinal gradient of the proposed access road should not be steeper than 2.5% within the first 15m as measured from the channel of the main road.
- vi. 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.
- vii. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- viii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- ix. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- x. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding.
- xi. The development is not likely to be adopted by Essex County Council



pp. Director for Highways and Transportation
Enquiries to Lorna Parsons

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



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 9th July 2025
Our Ref: SUDS-008217
Your Ref: UTT/25/1160/DFO

Dear Sir/Madam,

Consultation Response – UTT/25/1160/DFO - Land To The West Of Thaxted Road Debden Essex

Thank you for your email received on 02/07/2025 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 15th April 2015.

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

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

Lead Local Flood Authority position

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

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods

found in chapter 25.3 of The CIRIA SuDS Manual C753.

- If infiltration is not viable, the discharge rate should be limited to 2.2l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

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

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

construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- 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)

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.
- 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 15th 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
 Email: 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 – NATURAL ENGLAND

From: Development Support <developmentsupport@uttlesford.gov.uk>
Sent: 13 May 2025 11:01:55
To: dmsplanning@uttlesford.gov.uk
Cc:
Subject: FW: UTT/25/1160/DFO Consultation Response
Attachments: ufm18_CONS_-_Consultee_Lettern.pdf

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 13 May 2025 10:55
To: Planning <planning@uttlesford.gov.uk>
Subject: >> UTT/25/1160/DFO Consultation Response

Dear Sir/Madam

Application ref: UTT/25/1160/DFO
Our ref: 511702

Natural England has no comments to make on this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland, ancient and veteran trees](#) which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Dominic Rogers
Consultations Team
Natural England
Hornbeam House, Electra Way
Crewe, Cheshire, CW1 6GJ

Enquiries line: 0300 060 3900
Email: consultations@naturalengland.org.uk
www.gov.uk/natural-england

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We strongly recommend using the SSSI Impact Risk Zones (SSSI IRZs) to decide when to consult Natural England on development proposals that might affect a SSSI. The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances and can reduce unnecessary delays in the planning process.

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

From: planning@uttlesford.gov.uk <planning@uttlesford.gov.uk>

Sent: 02 May 2025 08:53

To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Subject: Planning Application Consultation - N UTT/25/1160/DFO

Please See Attached

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APPENDIX 4 – SAFEGUARDING AUTHORITY FOR STANSTED AIRPORT



15/05/2025

STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002				
Planning Authority:		UDC		Application No: UTT/25/1160/DFO
Development Proposal:		Details following outline application UTT/20/0264/OP for the erection of 25no. private and affordable dwellings - details of access, appearance, landscaping, layout and scale.		
Location:		Land To The West Of Thaxted Road Debden		
OS Co-ordinates (Eastings/Northings):		555883 / 233121		
Our Reference:		STN 2025-097		
No Objection	Informatives	Need to engage with MAG Safeguarding	Request Conditions	Objection
	X		X	

Consultation Response:

Black – Conditions

Green – Informatives

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. We have no objection subject to the following:

Height

No comments

Lighting

No comments

Wildlife

-The proposed attenuation basin is to remain dry, only holding water during or immediately after an extreme rainfall event. In any such event all water is to be drained away within 48 hours.

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

Communication, Navigation, and Surveillance systems

No comments

Materials



No comments

Tall Equipment

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

Construction Management

-In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

Other Comments

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.