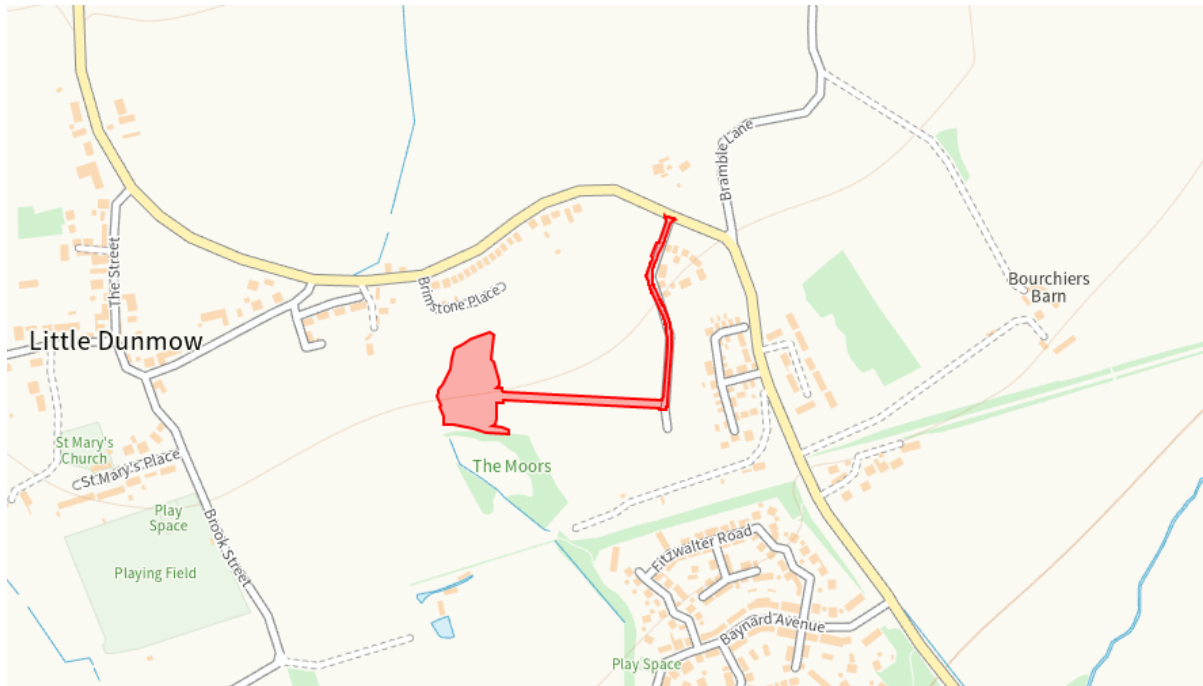


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| ITEM NUMBER: | 5 |
| PLANNING COMMITTEE DATE: | 27 August 2025 |
| REFERENCE NUMBER: | UTT/25/0310/FUL |
| LOCATION: | Moors Fields, Station Road, Little Dunmow |

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: July 2025

PROPOSAL: Full planning application for a community centre, day nursery, community orchard / gardens and associated infrastructure

APPLICANT: Dandara Eastern Limited and Little Dunmow Parish Council

AGENT: Mr Geoff Armstrong

EXPIRY DATE: 15 May 2025

EOT EXPIRY DATE: 03 September 2025

CASE OFFICER: Rachel Beale

NOTATION: Outside Development Limits
Adjacent Listed Buildings
Close to Little Dunmow Conservation Area
Public Rights of Way
Adjacent Protected Lane
Adjacent Country Wildlife Park (Flitch Way)
Adjacent Archaeological Site

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** In 2023, outline planning permission was granted on the wider site for residential development of up to 160 dwellings, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure (UTT/21/3596/OP). Later that year a S62a application for the reserved matters was approved by PINS that secured the appearance, landscaping, layout and scale of the development (S62A/2023/0021 / UTT/23/1848/PINS) – this did not include details of the office hub.
- 1.2** Since these permissions, discussions were held between the Parish Council and the Applicant in relation to the approved Office Hub, where the Parish Council expressed their desire to see something of more value to the community come forward. It was these discussions that meant the reserved matters application excluded the office hub area as it was still subject to change.

- 1.3** The result of the extensive communication the applicant has had with the Parish Council and local residents is the current application as proposed. It was identified that nursery spaces were required for local residents, both existing and future, as well as flexible office space for those who work from home or need a separate dedicated workspace. The proposals now provide for a large community building that will work hard for the local community and provide something of real tangible value where the previously approved office hub would not.
- 1.4** To facilitate this variation to the scheme, the applicant has submitted three applications (an NMA, a S73 and this one) as well as a DOV request to amend the agreed S106. Both the NMA and S73 are delegated decisions, with the NMA already approved and the S73 recommended for approval subject to an agreed DOV.
- 1.5** For context, the NMA added a condition to the original permission that set out the approved plans which then facilitated the submission of the S73. The S73 proposes to regularise the removal of the land subject of this application from the previous approval, amongst other minor amendments, including distributing the area previously reserved for the office hub into residential use.
- 1.6** This application now before Members is the final step in the process of securing the community building the Parish Council are eager to see realised. The application is for a community centre including day nursery and office space, a community orchard, gardens and associated infrastructure.
- 1.7** The location of the proposed new building is on a piece of land that as part of the extant approval was to be public open space including orchard and allotment space. As the proposed layout shows, this is now to be reimagined, with the land now working harder for the local community through the provision of a larger community building, and continued provision of orchard and growing space.
- 1.8** Finally, members are also being asked to consider a request to vary the original S106 that will remove the requirement to provide the 100sqm of office space and the portion of open space included within that area.

2. RECOMMENDATION

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

- A) Completion of a Deed of Variation to the s106 Obligation Agreement agreed under application UTT/21/3596/OP, in accordance with the amendments as set out;

B) Conditions

And

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

3. SITE LOCATION AND DESCRIPTION:

3.1 As can be seen from the included map, the area of this application is made up of a portion of land from a wider site that has permission for 160 homes, currently under construction.

3.2 The wider site is located on the south-eastern side of Station Road approximately 100m north of the village of Flitch Green. There is an existing area of woodland known as Moors and an un-framed area of grassland to the southwest of the site. Further vegetation in the form of mature hedgerows and trees are scattered along the boundaries of the wider site. The Flitch Way lies to the south of the site.

3.3 The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. The Site is not located within any national landscape designations. The closest heritage assets to the site are those buildings known as 'Brambles House', 'Brights Cottage', 'The Cottage' and 'Willow Cottage' which all abut or are located close to the north-western corner of the site.

4. PROPOSED DEVELOPMENT

4.1 The application is for community centre, day nursery, community orchard / gardens and associated infrastructure.

4.2 Access to the site is via the approved access associated with the wider site.

4.3 A request for a DOV to regularise what this application changes within the original S106 is also required to be considered.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

- 6.1 UTT/21/3596/OP - Outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings (REDUCED FROM 180 dwellings) , a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure (AMENDED PLANS ·& ADDITIONAL INFORMATION INCLUDING reduction in units, increased open space ·& additional highway measures) - APPROVED
- 6.2 UTT/23/1848/PINS - S62A/2023/0021 - Application for the approval of reserved matters for appearance, landscaping, layout and scale for 160 dwellings and a countryside park pursuant to conditions 1 and 2 of outline planning permission UTT/21/3596/OP - APPROVED
- 6.3 UTT/25/0336/NMA - Non-Material Amendment to UTT/21/3596/OP - Addition of condition setting out approved plans as listed in decision notice of UTT/21/3596/OP - APPROVED
- 6.4 UTT/25/0308/FUL - S73 application to remove conditions 5 and 23 and vary conditions 4 and 25 of UTT/21/3596/OP and remove condition 7 and vary condition 2, 5, 9 10,11,13 and 14 of UTT/23/1848/PINS (S62A/2023/0021) - changes to the red line area, changes to approved layout plans to remove community centre/nursery area, change area for office hub to residential area, alteration to footpath connection location, change of materials to some plots, engineering and landscape plans updated to reflect layout changes, amend the wording of conditions to reflect the updated plans – RECOMMENDED FOR APPROVAL SUBJECT TO AGREED DOV

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

- 7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- Engagement with Parish Council and local residents.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

- 8.1.1 From a highway and transportation perspective, the impact of the proposal is **acceptable**, subject to conditions.

8.2 **Local Flood Authority**

- 8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission, subject to conditions.

9. **PARISH COUNCIL COMMENTS**

9.1 Little Dunmow and Flitch Green Parish Councils

9.2 No comments received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objection subject to condition.

10.2 Conservation Officer

10.2.1 The inclusion of a community led space is a positive addition to the development. The details submitted as part of this application do not result in any additional harm to the previous assessment of built heritage. However, I would suggest design features are reviewed to ensure the facility can remain functional in the long term.

10.2.2 A condition has been included to cover off the points raised.

10.3 Place Services (Ecology)

10.3.1 No objection subject to condition.

10.4 Landscape Officer

10.4.1 Awaited

10.5 Essex Police

10.5.1 Recommendations have been made, and a condition has been included that covers these.

10.6 MAG London Stansted Airport

10.6.1 No objection.

10.7 Anglian Water

10.7.1 Conditions recommended.

11. REPRESENTATIONS

11.1 A site notice was displayed on site; the application was advertised in the local press and notifications letters were sent to nearby properties. Representations have been received.

11.2 Support

- 11.2.1** Improve quality of life for residents
Good community benefit
Meets a local need
Great location
Great improvement to local facilities
Great nursery provision

11.3 Neither object nor support

- 11.3.1** Concerns over demand
Concerns around cost to Parish Council

12. MATERIAL CONSIDERATIONS

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

- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

- 12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted January 2005)
Felsted Neighbourhood Plan (made February 2020)

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

13.2.1 S7 – The Countryside
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN6 – Infrastructure
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV1 – Development Affecting Conservation Area
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV10 – Noise Sensitive Developments
ENV14 – Contaminated Land

13.3 Supplementary Planning Document or Guidance

Essex County Council Parking Standards (2009)
Supplementary Planning Document – Developer's contributions
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
Uttlesford Design Code

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **A) Principle of Development and Need**
B) Character and Design
C) Heritage
D) Access and Parking
E) Landscaping and Open Space
F) Flooding and Drainage
G) Neighbouring Amenity
H) Planning Obligations

14.3 A) Principle of Development and Need

14.3.1 Emerging local plan

14.3.2 The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). The Emerging Local Plan is making progress following examination, however, due to it remaining in the early stage of preparation, it carries **limited** weight when considering the proposed development. As such the relevant saved policies contained within the Local Plan are the most relevant to the assessment of this application. Those of most relevance should be given due weight according to their degree of consistency with the NPPF under paragraph 232.

14.3.3 Adopted Local Plan

14.3.4 The Council's adopted Local Plan is more than five years old, and certain policies most relevant to the determination of this application are considered out of date when assessed against the National Planning Policy Framework (NPPF). In such circumstances, paragraph 11(d) of the NPPF is engaged, and the decision must be made in accordance with the "tilted balance." This means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole, or unless specific policies in the Framework indicate that development should be restricted. Applying this approach ensures that decision-making remains aligned with current national objectives, including supporting economic growth, optimising the use of land, and responding flexibly to local needs.

14.3.5 The "Planning Balance" is undertaken further below in this report, but before doing so a wider assessment of the proposal has been undertaken against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.3.6 Site History

14.3.7 A material consideration of this proposal is the site already has the benefit of extant planning permission for a large residential development, as part of which the site in question has permission for the construction of a small office hub building and community orchard. While this proposal will increase the built form on the site, the extant planning permission changes the context of the site.

14.3.8 Context, Suitability and Need

14.3.9 Paragraph 7 of the NPPF states that: 'the purpose of the planning system is to contribute to the achievement of sustainable development'.

It identifies that to deliver sustainable development, the planning system must perform three distinct objectives, these being social, economic, and environmental and that these must be taken collectively in decision making and not in isolation.

- 14.3.10** Furthermore, Planning Practice Guidance (PPG) provides additional advice on various planning issues associated with development, including those linked to sustainability and underpins the policies within the NPPF.
- 14.3.11** A material consideration of this proposal is the site already has the benefit of extant planning permission for a large residential development, as part of which the site in question has permission for the construction of a small office hub building and community orchard. While this proposal will increase the built form on the site, the extant planning permission changes the context of the site.
- 14.3.12** The site sits within Little Dunmow Parish Council (LDPC) and this application comes forward following discussions between the LDPC. The LDPC identified a local need in the community for not only office space but also nursery places for both existing and future residents. Whilst a needs assessment has not been provided in support of the application, the proposal has been designed in collaboration with local residents and the LDPC which adds significant weight to the need for this specific, tailor-made building in this location.
- 14.3.13** During discussions with the applicant, members of the LDPC and some local residents formed the Little Dunmow Community Buildings Trust (LDCBT), a charitable organisation that is identified to take over the ownership and future running of the community centre and nursery facility, along with the associated open space. This space would be transferred to the LDPC or LDCBT to own and manage – see section H.
- 14.3.14** Social and Economic Benefits:
- 14.3.15** Paragraph 98 of the NPPF sets out several key expectations for planning policies and decisions:
- Plan positively for the provision and use of community facilities to enhance community sustainability.
 - Take into account and support delivery of local strategies that promote health, social, and cultural well-being.
 - Ensure existing facilities can develop, modernize, and be retained for community benefit.
 - Take an integrated approach to locating housing, economic activity, and community facilities and services.
- 14.3.16** Paragraph 84 encourages planning policies to enable the retention and development of accessible local services and community facilities. Paragraph 97 further emphasizes the importance of planning positively for community needs through shared spaces and services.

- 14.3.17** In summary, the NPPF strongly supports the creation, retention, enhancement, and modernization of community facilities. It calls for a proactive, integrated, and community-centred approach — ensuring developments deliver more than just housing, but contribute meaningfully to the social, cultural, and health needs of communities.
- 14.3.18** By introducing a large community building that has been developed in conjunction with the local people and that directly responds to identified need within the community is a **positive benefit than is given significant weight**.
- 14.3.18.1** The Nursery space will provide employment opportunities, and the provision of office space could bring further economic benefit to the local community.
- 14.3.19** Therefore, the development will contribute to sustainable development by providing exactly the sort of **social and economic benefits** to the local community that the **NPPF envisages**.
- 14.3.20** Environmental Benefits:
- 14.3.21** The proposed building will feature renewable energy features such as solar panels on the roof, EV charging facilities and sustainable drainage systems.
- 14.3.22** The proposal features a community orchard with significant tree planting and garden areas associated with the different uses within the building. An extensive soft landscaping scheme shows that whilst the proposal removes the provision of allotment and orchard space, care has been taken to sensitively replace this and still provide similar environmental benefits.
- 14.3.23** It is therefore considered that **the application will contribute to the environmental ‘limb’ of sustainability and be in line with the requirements of the NPPF to deliver a sustainable development**.
- 14.3.24** Countryside Location and harm
- 14.3.25** The application site is located outside the development limits of Little Dunmow, technically falling within open countryside, and therefore sits under local plan policy S7.
- 14.3.26** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has

concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.

14.3.27 By way of the extant permission, the context of the location has changed significantly and whilst technically the proposal is still located within the countryside, once constructed, the new residential development means this site will read as an extension of and associated with the new houses. This will therefore change the way the application is assessed in the context of Policy S7.

14.3.28 Whilst usually, by its nature, development such as that proposed would have an impact on its character, the change in context by way of the extant planning permission means that countryside harm will be limited and therefore carries **negligible weight** in the planning balance.

14.4 B) Character and Design

14.4.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of built development, adding at Paragraph 131 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.4.2 In 2023, the Council adopted the Uttlesford Design Code, a document that looks to secure high-quality design across the district, setting a new standard for development and placemaking in the district. The Code Vision contains six objectives, with all proposed new development required to be: Resilient; Aspirational and innovative; Landscape-led and biodiverse; Sustainable and connected; Vibrant and locally distinctive and; Engaged. Generally, it is clear that the scheme has been developed in line with these key principles, and there are a number of specific areas where the design code has clearly been adhered to.

14.4.3 The applicant has submitted a Design Statement that details the evolution of the final design. It is clear that the Parish Council has been heavily involved throughout and that the resultant building is designed to **meet the identified needs of the local community. This should be afforded weight in the planning balance.**

14.4.4 The design itself is a 1.5 storey building featuring a range of architectural styles, with a pitched dormer roof, modern projecting volumes, a bonnet style roof, and a mix of glazing styles. No precedent studies or design development in the context of how the final design was reached has been provided, nevertheless, the Officer considers reference may have been taken from agricultural buildings you might typically expect to see in within rural parts of the district, but with a contemporary take. The

approach is bold and certainly makes a statement, but the sensitive use of materials and form ensure it would not be overly dominant in the street scene and **would result in a desirable community hub that people would be drawn to.**

14.5 C) Heritage

14.5.1 Designated Heritage Assets

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

14.5.3 The site is not located within a conservation area. However, the development has the potential to adversely impact the setting of the nearby grade II listed buildings.

14.5.4 The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'.

14.5.5 Paragraphs 212, 213 and 215 of the NPPF are relevant. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

14.5.6 The Council's Conservation Officer states the inclusion of a community led space is a positive addition to the development and that the details submitted as part of the application **do not result in any additional harm to the previous assessment of built heritage.**

14.5.7 The Conservation Officer also raises points in regard to solar panels and the management and maintenance of other features within the building. This is not directly related to heritage impact and is covered by condition – see condition 13.

14.6 D) Access and Parking

- 14.6.1** Paragraph 115 (b) of the NPPF states that development should ensure that ‘safe and suitable access to the site can be achieved for all users’, whilst Paragraph 117 (c) states that development should ‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.’
- 14.6.2** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.6.3** The main access to the site would be via Station Road via the access approved under the main residential application (UTT/21/3596/OP and S62A/2023/0021/UTT/23/1848/PINS). Discussions with ECC Highways have led to the slight rearrangement of how the road connects to the community building, with an adjustment made the shifts the entrance to align with the approved road layout.
- 14.6.4** Pedestrian and cycle connections are proposed north and south to connect the site up to the wider path network and PROW network.
- 14.6.5** Parking
- 14.6.6** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance ‘Vehicle Parking Standards’.
- 14.6.7** 30 no. car parking spaces are proposed, including 6 no. disabled bays, and 10. No cycle parking spaces. As ECC has raised, the vehicular parking provision is sufficient however there are still question marks around the cycle parking provision however this can be covered off by way of planning condition – see condition 4.
- 14.6.8** Subject to condition, it is considered that the proposal is **acceptable in the context of policy GEN1 and GEN8** of the adopted local plan.

14.7 E) Landscaping and Open space

- 14.7.1** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development

with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives.

14.7.2 Whilst the proposal will see the removal of a portion of open space secured within the approved application, the proposed scheme now brought forward does recognise that and therefore key elements from the approved scheme have been retained by incorporating an orchard and community growing area, ensuring the space continues to provide a range of benefits. The proposals also continue to include screening, provision of open space, habitat creation and protection against coalescence with nearby settlements.

14.7.3 The landscaping scheme has been designed to help enhance the overall character and appearance of the proposal, and creates a pleasant environment for the local community to access. Trees will soften the the hardscaped areas help integrate the proposal into the immediate context and reflect the wider setting.

14.7.4 On the whole, while there would be a loss of previously secured open space, by providing a valuable community building in close proximity to the proposed nut orchard and community growing areas, the proposal would enhance the use of these spaces through the provision of complementary facilities. The landscaping scheme is therefore considered acceptable in that it would enhance the proposals and provide a good quality environment for both residents and users of the building.

14.8 F) Flooding and Drainage

14.8.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

14.8.2 The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

14.8.3 Policy GEN3 of the Local Plan requires there to be no increase in the risk of surface water flooding from a new development and that the incorporation of SuDS as a first measure in the management of surface water should be provided.

14.8.4 As part of the permission on the wider site, outline consent, a drainage scheme was approved. The proposal for this site is to restricted and attenuate surface water through the use of permeable paving and geo-cellular storage tanks located within the southern section of the parking court. From there, a piped connection will be provided to the approved residential drainage network with a restricted outflow to reduce the impact of the additional catchment area on the residential network. As

with the surface water, the foul water discharge proposals are to the south of the parking court where it will be routed through to connect into the residential drainage network.

- 14.8.5** Following the clarification of a few matters, Essex County Council who are the Lead Local Flooding Authority confirm they have reviewed the submitted information and conclude that they have **no objections** to the proposal, subject to condition.

14.9 G) Neighbouring Amenity

- 14.9.1** Due consideration has been given in relation to the potential harm caused to the amenities enjoyed by nearby residential property occupiers.

- 14.9.2** The placement of the building has been designed as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive nor overbearing when viewed from adjoining properties within the development or in relation to existing dwellings. The degree of separation from the proposed housing would ensure that the amenities of these properties will be largely protected.

- 14.9.3** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with Local Plan Policies GEN2, GEN4 and ENV11.

14.10 H) Planning Obligations

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

16.1 Uttlesford District Council do not currently have an up-to-date Local Plan and while there is an emerging local plan, policies within that currently carry little weight due to the early stages of its development.

16.2 As a consequence, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

16.3 Benefits of the development:

16.4 The development would provide a community building, designed in collaboration with local residents and the Parish Council meaning it provides for an identified need within the local community,

16.5 The proposal would provide nursery spaces and flexible office space.

16.6 The provision of public open space, new community orchard and growing area as well as garden space associated with the different uses.

16.7 Inclusion of pedestrian links to the wider footpath network.

16.8 The development would provide economic benefits in terms of the construction and ongoing uses within the building.

16.9 Adverse impacts:

16.10 Loss of larger open space provision within the previously approved scheme.

16.11 Therefore, and taken together, the harm caused by the proposed development is not considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

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

17. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. Cycle parking: prior to occupation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details of the cycle parking provision. Once approved, the development shall not be occupied until such time as the approved parking spaces are provided in the agreed form.

REASON: to ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance, and to ensure that the development accords with the Highway Authority's

Development Management Policies, adopted as County Council Supplementary Guidance and Uttlesford Local Plan Policy GEN1.

4. Vehicular parking: the proposed development shall not be occupied until such time as the car parking spaces indicated on drawing no. P23-0555_DE_CB_004 Rev A (Detailed Site Layout) have been hard surfaced, sealed and marked out in parking bays. The parking shall be retained in this form at all times and 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 and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance, and to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and Uttlesford Local Plan Policy GEN1.

5. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

6. Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include protection of nearby Lowland Mixed Deciduous Woodland Priority habitat.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy ENV8 of the Uttlesford Local Plan (2005).

7. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024, s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

8. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

9. The development hereby approved shall not commence until a report identifying those noise sensitive premises within the development that require mitigation of external noise levels and detailing the mitigation required to achieve satisfactory noise levels within those premises (and to their external amenity areas, where relevant) has first been submitted to the Local Planning Authority in writing to be agreed. The report shall also detail the arrangements for ventilating the premises so identified. The development shall be carried out in accordance with the report so agreed and shall be retained as such thereafter.

REASON: To safeguard the amenities of future occupiers of the development by ensuring that acceptable internal and external noise levels are achieved and that suitable ventilation is provided where required, in accordance with Policy ENV11 and the National Planning Policy Framework.

10. An acoustic assessment covering all proposed noise-generating fixed plant (in line with the methodology of BS 4142:2014) shall be submitted to the local planning authority for approval prior to the development commencing, along with a scheme of mitigation to ensure that:

- 1) at any time the plant rating level calculated according to BS4142:2014 shall not exceed the measured typical day and night-time LA90 background levels at any noise sensitive receptor, and additionally,
- 2) 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.

Once approved the scheme of mitigation shall be implemented in full prior to the use commencing and permanently maintained thereafter and replaced in whole or in part as often is required to ensure compliance with the noise levels.

REASON: To protect the amenity of nearby and future noise-sensitive receptors by ensuring that noise emissions from fixed plant are appropriately assessed, mitigated, and controlled, in accordance with the methodology set out in BS 4142:2014, Policy ENV11 of the Uttlesford Local Plan (2005), and the National Planning Policy Framework.

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

REASON: To ensure that any unexpected contamination encountered during works is identified and remediated so that the site is suitable for its intended use and does not pose an unacceptable risk to human health, controlled waters, or

the wider environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework.

12. No development shall be occupied until a Maintenance and Management Plan for the community centre, nursery facility, associated open space, and any installed photovoltaic (PV) system has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:
1. Ownership and Management Arrangements – confirmation of the body responsible for the long-term ownership, funding, and day-to-day management of the community centre, nursery, and open space.
 2. Building Maintenance – details of inspection and maintenance schedules for the fabric of the building, mechanical and electrical systems (including lifts), and arrangements to ensure continuity of access in the event of lift failure, particularly for first-floor activities.
 3. PV System Design – detailed drawings showing the size, number, and location of PV panels on a roof plan and/or elevations, provision for battery storage and associated infrastructure, and confirmation that the design complies with relevant safety requirements.
 4. PV System Maintenance – arrangements for safe access to PV panels for cleaning and maintenance to ensure ongoing operational efficiency.

The approved Plan shall be implemented in full upon first occupation and adhered to for the lifetime of the development.

REASON: To ensure that the community facilities and associated infrastructure are adequately maintained, that lift-dependent activities remain accessible, and that the PV system is designed, installed, and maintained to operate efficiently, in accordance with Policy GEN2 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework.

13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:
- Limiting the discharge from the site to 1 l/s.
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

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

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

14. 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 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. The condition is in accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk, in accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

16. Prior to the development above slab level a Crime Prevention Statement shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Essex Police Designing Out Crime Officers. The Statement shall demonstrate how the principles and specifications of Secured by Design (SBD), as set out in the most recent Secured by Design Commercial guide, will be incorporated into the development to reduce the risk of crime and anti-social behaviour.

The Crime Prevention Statement shall include, but not be limited to:

1. Details of proposed access control measures for the premises during operational hours and locking arrangements outside of operational hours;
2. Details of the proposed CCTV system, including its design, coverage, purpose (evidential and deterrence), and arrangements for active monitoring;
3. Details of the intruder alarm system, including whether it will be monitored by an Alarm Receiving Centre and whether it is compliant with police response standards;
4. A car park management strategy which considers the capacity of on-site parking relative to likely demand (e.g. from the nursery), and includes measures to minimise parking overspill into the surrounding residential area.

The development shall be carried out in accordance with the approved details, and all security measures shall be installed prior to first occupation and thereafter retained and maintained for the lifetime of the development.

REASON: To ensure that the development incorporates crime prevention measures to reduce opportunities for crime and anti-social behaviour, in accordance with the principles of CPTED (Crime Prevention Through Environmental Design), the guidance set out in Secured by Design, and in the interests of community safety.