



PLANNING STATEMENT

On Behalf of:
Dandara Eastern Limited

The logo for Dandara, consisting of a dark blue square with a white stylized icon of a person's head and shoulders to the left of the word 'dandara' in white lowercase letters.

dandara

In Respect of:
Moors Fields, Station Road, Little Dunmow, Essex

Date:
July 2023

Reference:
01023/S0001



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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Armstrong Rigg Planning on behalf of Dandara Eastern Limited ('the applicant') in support of an application for reserved matters consent ('the application') pursuant to outline planning permission reference UTT/21/3596/OP ('the outline consent') at Moors Field, Station Road, Little Dunmow, Essex ('the application site'). The outline consent was approved by Uttlesford District Council ('UDC') on 2nd March 2023 granting planning permission for:

"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)"

- 1.2 The application seeks approval for:

"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"

- 1.3 The application is being submitted directly to the Planning Inspectorate under Section 62a of the Town and Country Planning Act 1990 due to UDC having been placed in special measures.
- 1.4 This Statement sets out the background to the application, provides details of the various parameters agreed by the outline consent and undertakes an assessment of the details comprising the application with reference to the submitted Design and Access Statement and Landscape Statement. In doing so it confirms that the proposals are policy compliant and that the outline parameters and the provisions of relevant conditions and S106 obligations attached to the outline consent are complied with.
- 1.5 The application follows pre-application discussions and consultation with Little Dunmow Parish Council and the local ward member for UDC. The proposed scheme has taken into account and responded positively to the comments received as set out in the Pre-Application Consultation section below.

Scope of Application

- 1.6 The reserved matters now sought to be approved relate to the layout, appearance, scale and landscaping of the development as required by **Conditions 1 and 2** of the outline consent.

- 1.7 The application relates to the residential part of the site and the countryside park only, with the area for the proposed office hub excluded from the red line site boundary. This is to allow the applicant time to continue to liaise with Little Dunmow Parish Council (as set out in the Pre-Application Consultation section below) on the design and specification of the office hub building to make sure it meets their requirements. The provision of the office hub and its transfer to Little Dunmow Parish Council prior to 75% occupation is secured in the S106 agreement and the design of the building will be subject to a separate reserved matters application.
- 1.8 This application is submitted within the timescale imposed by **Condition 2** (i.e. within three years of 2nd March 2023) and the submitted details accord with the principles and parameters established by the plans and documents listed in the decision notice.
- 1.9 Alongside the application, a separate discharge of condition application has been submitted to UDC for Condition 7 (surface water drainage scheme). We understand that conditions cannot be discharged using the section 62a application route, but the proposed details for this condition have nonetheless been submitted indicatively as part of this application in order to demonstrate the technical suitability of the proposals. In addition to providing an assessment of the application, this statement confirms that the requirements of this conditions are met.

About Dandara

- 1.10 Dandara was established in 1988 from the desire to provide innovative homes which would offer real value for money without compromising on design, durability or quality. Today Dandara is one of the UK's largest independent property development companies, with over 10,000 happy customers and more than 100 industry awards for design and quality. The company aims to work collaboratively with local councils, stakeholders and the local community to deliver developments that meet and exceed their aspirations. The application is submitted on behalf of Dandara's Eastern division which was set up in 2021 with the aim of delivering 500 high-quality homes a year in the Eastern region.

2.0 SITE DESCRIPTION

2.1 The application site is located in the parish of Little Dunmow on the south-eastern side of Station Road approximately 100m north of the village of Fitch Green and approximately 250m east of the main built-up part of Little Dunmow. It is located within the administrative boundary of Uttlesford District Council ('UDC') just south of the A120 and close to Great Dunmow (4km away), London Stansted Airport (12km) and Bishop's Stortford (17km) to the west and Braintree (10km away) to the east. There are a variety of facilities and services available to residents within 5-10 minute walk of the application site, including a primary school, convenience store, community hall, playgrounds and 2 bus stops within 300m with hourly services 7 days a week between Colchester and Stansted Airport.



Figure 1. Aerial Photo showing application site

2.2 The application sites comprises an area known as Moors Fields, Station Road, Little Dunmow. The extent of the application site is shown edged in red on the aerial photo above. The site is relatively level with a slight slope falling approximately 10m from the north across the site to the south and is approximately 14 hectares in size. There is no established built form on the site and it primary consists of a single large

arable field. There is an existing area of woodland known as The Moors and an area of grassland to the south-west of the site. Further vegetation in the form of mature hedgerows and trees are scattered along the boundaries of the site which provide some natural screening. No vegetation is covered by tree preservation orders.

- 2.3 The southern boundary of the application site is marked by The Flitch Way, which is a multi-user path and national cycle route within the Flitch Way Countryside park. On the other side of Flitch Way is an Essex County Council controlled travellers' site and the main built-up area of Flitch Green. The south-eastern corner of the application site is abutted by a recent residential development at Ainsworth Drive and Harrisons Road. The northern boundary of the site is marked by the rear gardens of residential dwellings sited in a linear pattern along the southern side of Station Road.
- 2.4 An existing public right of way (PRoW 35_35) extends part-way along the western boundary of the site in a north-south direction and joins to a further public right of way (PRoW 35_10) which intersects through the site joining the villages of Little Dunmow and Flitch Green. The site lies entirely within Flood Zone 1, classified as having a low probability of flooding. It is not within a Conservation Area, at its closest the site is 173m from Little Dunmow Conservation Area. A number of Listed Buildings are situated to the north-west and west of the site. The Flitch Way is designated as a Local Wildlife Site.

3.0 PLANNING HISTORY

Outline Planning Permission

- 3.1 The outline planning application for residential development, an office hub and a countryside park was submitted in December 2021 following detailed pre-application consultation with Uttlesford District Council ('UDC') and the local community. It was registered by UDC on 10th December 2021 (ref: UTT/21/3596/OP) and during the consideration of the application changes were made to the proposed scheme in response to comments from statutory consultees and feedback from planning officers. The changes included a reduction in numbers from 180 to 160 dwellings, an increase in the size of the proposed countryside park and additional off-site highways improvements.
- 3.2 The outline planning application was taken to planning committee with a recommendation for approval subject to conditions and the completion of a S106 agreement on 31st August 2022 (see committee report at **Appendix 1**). Members resolved to approve the application and the decision notice was issued on 2nd March 2023 (**Appendix 2**) following the completion of a S106 agreement (**Appendix 3**).
- 3.3 Despite being submitted as an outline application with only access for approval, the outline consent secures detailed design parameters for reserved matters applications to follow including the location of built form, the density of development in different character areas, the height of residential development, the quantum and tenure of affordable housing, the location and specification of the countryside park and the provision of an office hub building. Of particular relevance to this application are the approved Design Code contained at **Appendix 4** and the following approved plans contained at **Appendix 5**:
- Site Location Plan (Ref: 07a)
 - Proposed Site Access (Ref: 22268-04)
 - Development Framework Plan (Ref: 3501H)
 - Illustrative Masterplan (Ref: 3202E)
 - Illustrative Landscape Strategy (Ref: edp6755_d007c)

Local Area

- 3.4 In addition to the outline planning permission on the application site there are several others consents for residential development in the immediate surrounding area. Not all of these developments are apparent on the most recent aerial photography and as such we have marked them on the aerial photo below.



Figure 2. Recent Consents in the Local Area (edged orange)

4.0 THE PROPOSED DEVELOPMENT

4.1 A detailed description of the proposed development is contained in the submitted Design and Access Statement. In summary, the proposed development comprises:

- **160 no. dwellings** within a 5.5ha area of residential development equating to 33 dwellings per hectare and in a mix of 1, 2, 3, 4 and 5 bedroom homes comprising:
 - **96 no. dwellings (60%) for open market sale** in a mix of 2 no. 1 bedroom bungalows (2%), 3 no. 2 bedroom bungalows (3%), 16 no. 2 bedroom houses (17%), 35 no. 3 bedroom houses (36%), 36 no. 4 bedroom houses (38%) and 4 no. 5 bedroom houses (4%).
 - **64 no. dwellings (40%) provided as affordable housing** in a mix of 2 no. 1 bedroom bungalows, 2 no. 2 bedroom bungalows, 12 no. 1 bedroom flats, 4 no. 2 bedroom flats, 18 no. 2 bedroom houses, 22 no. 3 bedroom houses and 4 no. 4 bedroom houses.
- **Open Space:** 8.42 ha of public open space, including a countryside park, community orchard and allotment space, the retention of moors woodland and the creation of a large new wildlife area adjoining it. The open space would also deliver a site wide play strategy with a mix of formal and informal play spaces including a LEAP, a LAP and a trim trail. Areas of open space and landscaping are incorporated through the residential part of the site with avenue tree planting, play spaces, green corridors, SUDS / Swales and pedestrian and cycle connections.
- **Drainage:** Linear SUDS ponds are proposed to the south of the site at the lowest point on site to ensure effective implementation of drainage and attenuation. These naturalistic landform and planting of swales and the southern drainage basin provide opportunities to interact with nature and be close to water, while also managing water in a sustainable and ecologically beneficial manner.
- **Access:** Vehicular and pedestrian access into the site in accordance with the approved plans. Access has been carefully considered for both pedestrian and vehicular users, with routes into the site being direct, clear and safe, whilst according with width requirements. Enhanced connectivity is proposed to Flitch Watch, through new site entrances and through enhancements to the footway along Station Road.
- **Office Hub:** The proposal would deliver a 100 sqm office hub building to provide a local workplace, enable remote working and to help reduce the need future occupiers to travel to work. The proposed layout shows this located to the south-west of the residential area adjacent to the countryside park. Discussions are ongoing with Little Dunmow Parish Council regarding the design of this space and it will therefore be subject to a separate reserved matters application.

5.0 PRE-APPLICATION CONSULTATION

- 5.1 The outline planning application was subject to detailed pre-application consultation with UDC and the local community. This involved pre-application engagement through a Planning Performance Agreement (PPA) with UDC between April and October 2021 and a presentation to members of UDC's Planning Committee on 13th August 2021. A virtual consultation was held with the local community between August and September 2021 which included setting up a website to display the proposals and various strands of technical work. Local residents were made aware of the consultation exercise via a leaflet drop to 1,230 addresses and advertisements in the local press. Feedback from the consultation was considered and appropriate changes to the proposal were made prior to submission of the outline application.
- 5.2 At outline stage, Flitch Green and Little Dunmow Parish Council's we also contacted, but they did not wish to discuss the proposals. Given the lack of feedback at outline stage from the local Parish Councils this has been the focus of consultation for the Reserved Matters application.
- 5.3 The applicant has have been unable to meet with Flitch Green Parish Council but they hosted a meeting with Little Dunmow Parish Council ('LDPC') and the local UDC ward member for Little Dunmow and Flitch Green, Councillor Chris Criscione, at their offices on 7th June 2023. The applicant presented a sketch layout including details of the proposed mix of housing, what was approved under the outline application, the proposed design of housetypes and the landscaping scheme. The Parish Council didn't raise any specific concerns with the proposals and were reminded by Councillor Criscione that the principle of development has been approved on the site. The applicant also confirmed the provision of bungalows and wheelchair accessible dwellings and the approach to energy efficiency measures which will accord with the details secured under Condition 37 of the outline application.
- 5.4 A main point of discussion was the proposed **Office Hub location**. LDPC expressed their desire to use this as their offices in the future. They also raised concerns about its proposed location in the centre of the site (as shown at outline stage) and suggested that it would be better located on the perimeter of the scheme adjacent to the open space where they could utilise the adjoining areas in summer months or for functions. The applicant informed LDPC of their intention to provide a 2-storey building with a meeting space downstairs and flexible office use on the 1st floor. It was agreed that it would be best to exclude the office area from this application in order to allow time for further discussions on the design and specification of the building to make sure it meets LDPC's requirements.

6.0 PLANNING POLICY

National Planning Policy

- 6.1 National planning policy is provided for by the National Planning Policy Framework (NPPF, 2021) and the Planning Practice Guidance (PPG) which was launched on the 6th March 2014 and is regularly updated to provide additional guidance on factors affecting or influencing the planning system.
- 6.2 The NPPF exemplifies the Government's push towards efficiency in the planning system and embodies a pro-development stance. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. **Paragraph 11** explains that this means that development proposals that accord with the development plan should be approved without delay.
- 6.3 Of specific relevance to this application are the following sections of the NPPF: Section 2. Achieving sustainable development; Section 4. Decision-taking; Section 5. Delivering a sufficient supply of homes; Section 6. Building a strong, competitive economy, Section 8. Promoting healthy communities; Section 9. Promoting sustainable transport; Section 11. Making effective use of land; Section 12. Achieving well-designed places; Section 14. Meeting the challenge of climate change, flooding and coastal change; and Section 15. Conserving and enhancing the natural environment.

Local Planning Policy

- 6.4 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the 'development plan' relevant to the consideration of the application comprises the policies of the Uttlesford Local Plan 2005 and the Essex Minerals Local Plan (2014).
- 6.5 The Uttlesford Local Plan sets out the strategy for development for the plan period from 2000 to 2011. The Local Plan was adopted under a previous national policy framework and pre-dates the original 2012 NPPF, which has subsequently been superseded by the 2021 NPPF. In such circumstances, NPPF paragraph 219 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, but rather that due weight should be given to them, according to their degree of consistency with the NPPF.

Emerging Local Plan

- 6.6 The Council is in the process of preparing a new Local Plan which will cover the period 2020 - 2040 and is intended to replace the 2005 Local Plan. The preparation of the new local plan follows the withdrawal of the draft Local Plan 2019 from examination on 30 April 2020 in response to the examining Inspectors'

Letter (10 January 2020) which found the overall spatial strategy unsound. The new Local Plan is still in the early stages of production and no draft policies have been published such that it can be afforded no weight in decision taking.

Supplementary Guidance

- 6.7 The **Essex Design Guide** (2018 Edition) and the County Highway Authority's **Development Management Policies** (2011) and **Parking Standards** (2009) are also relevant to the consideration of the application. Homes England's **Building for a Healthy Life** toolkit is applied by the Council and was used in the development of the approved Design Code.
- 6.8 In addition, Uttlesford District Council has published a Climate Change Crisis Strategy 2020-2024, setting out **Interim Climate Change Policies** as a result of its declaration of a climate emergency in 2019.

7.0 PLANNING ASSESSMENT

7.1 The documentation submitted in support of this application demonstrates that the proposal offers a high quality scheme that sees the efficient use of available and suitable land in an accessible location. The scheme meets the key components of sustainable development, complies with all relevant policies and standards, meets the requirements of the outline consent and would respect the character and amenities of the natural, built and historic environment.

7.2 The principle of development has already been established through the grant of outline planning permission. Access was approved under the outline consent and the main considerations with regards to this reserved matters submission are therefore the layout, appearance, scale and landscaping of the proposed development. In addition, a separate discharge of condition application has been submitted to UDC for Condition 7 (surface water drainage scheme) and details submitted for this condition are submitted indicatively as part of the application to demonstrate the technical suitability of the proposals. In addition to providing an assessment of the application, this statement confirms that the requirements of Condition 7 are met.

7.3 We have structured our assessment of the planning merits of proposal against each reserved matter and associated material considerations as follows:

- **Layout**
- **Scale**
- **Appearance**
- **Landscaping & Open Space**
- **Drainage (Condition 7)**

7.4 The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 126). Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

7.5 Local Plan **Policy GEN2 – Design** and the **Essex Design Guide** set out key design policy and guidance at the local level. Key elements of this guidance are:

- A street layout that encourages walking and cycling.
- Development should be designed around a landscape structure and be compatible with the scale, form, layout and materials of surrounding buildings.
- In order to reinforce visual character, define spaces and promote pedestrian movement, most public

spaces should be faced by the fronts of buildings and their entrance to reduce the potential for crime.

- A minimum of 25 metres between the backs of houses to ensure rear privacy. This should be increased to 35m for flats with rear-facing upper storey living rooms. This can be reduced to 15m when houses are offset by an angle of 30 degrees or more.
- 50sqm garden size for 1 and 2 bedroom houses, 100sqm garden size for 3 or more bedroom houses and a minimum of 25m² per flat in communal gardens.

Layout

7.6 The proposal has been designed through an iterative process based on a thorough understanding of the environment, character and appearance of the area. The starting point for understanding the context of the site is the detailed analysis of the site's opportunities and constraints contained in the outline application's Design and Access Statement. This analysis was used to inform the detailed design parameters set by the outline consent and the proposed layout has been designed to comply with these parameters as set out in detail in the submitted Design and Access Statement. In summary:

- **Access & Movement:** The proposed site access accords with that shown on the approved Proposed Site Access drawing (Ref: 22268-04) as required by **Condition 4** and pedestrian and cycle connections are shown in accordance with **Conditions 23** and **25**. The proposed hierarchy of streets accords with that shown at outline stage with a main street leading to residential streets and private drives.
- **Location of built form:** The submitted layout shows a total development area of 5.54ha located to the south-east of the site in general accordance with the approved **Development Framework Plan** as required by **Condition 5**. The location also shows no gardens backing onto the Flich Way in accordance with **Condition 26**.
- **Character Areas:** Three distinct character areas are proposed in accordance with the details set out in the approved Design Code as required by **Condition 6**:
 - **Landscape Edge:** Lower density (21dph), 2 storey development of detached and occasional semi-detached dwellings;
 - **Development Core:** Medium density (30 dph), 2 storey with occasional 2.5 storey development of semi-detached and occasional detached dwellings;
 - **Neighbourhood Edge:** Higher density (35 dph), 2 and 2.5 storey development of terraced and semi-detached dwellings.
- **Amenity:** In accordance with the **Essex Design Guide** the layout achieves a minimum of 25 metres

between the backs of houses to ensure rear privacy, except in situations where the angle between elevations is greater than 30 degrees. None of the flats have rear-facing upper storey living rooms and there is therefore no requirement for this distance to be increased for these properties. As shown on the submitted Rear Garden Compliance Plan, the proposal achieves a minimum of 50sqm garden size for 1 and 2 bedroom houses, 100sqm garden size for 3 or more bedroom houses and a minimum of 25m² per flat in communal gardens.

Scale

7.7 The scale of the proposal has been designed to accord with the parameters set by the outline consent as follows:

- **Amount:** 160 no. dwellings are proposed in accordance with the outline planning permission.
- **Size:** Dwellings will be predominantly 2-storeys with a number of 2.5 storey dwellings in appropriate locations in accordance with the approved **Design Code**.
- **Mix:** Local Plan **Policy H10** requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. The proposal would broadly accord with this requirement by providing 56% of market dwellings as either 2 or 3 bedroom homes. The Council also seek 5% wheelchair accessible dwellings (M4(3) standard) as 1 and 2 bedroom bungalows which the proposal would meet. The proposed mix of affordable housing is covered below.
- **Tenure:** In accordance with **Schedule 3, Part 2 of the S106** agreement:
 - The proposal would deliver 40% affordable housing with a 70:30 tenure split between affordable rent and shared ownership;
 - 4 of the 9 proposed bungalows would be affordable;
 - 5% of the affordable dwellings are proposed to be wheelchair accessible (M4(3) standard);
 - Affordable housing is located in clusters of no more than 10 dwellings; and
 - The type and mix of affordable housing has been agreed with the Council prior to the submission of the Reserved Matters (see emails at **Appendix 6**).
- **Parking:** In accordance with **Policy GEN8** of the Local Plan the proposal accords with the adopted parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling would be provided with at least 1 secure cycle covered space either in garages, garden sheds or

cycle stores for the flats.

Appearance:

7.8 The proposed dwellings have been designed to ensure the architectural response complements the local character, whilst creating a development with a sense of place where people will enjoy living. Across The site, there are a mix of different house types creating a subtle variety that complements the existing local vernacular. In accordance with the approved Design Code, the following details and materials are incorporated into the design of the proposed house types:

- **Walls:** Common walling materials include red brick and render in pastel colours with some horizontal wooden cladding in black. Vertical brick detailing is proposed around windows in the same colour or contrasting brick.
- **Roofs:** A mix of red and brown tiles and grey slate is proposed. Occasional dormer windows are included. Chimneys are set in line with walls or used to create a feature on the gable end of properties.
- **Windows:** UPVC or timber painted white casement windows are proposed.
- **Doors:** Coloured doors with glazed vision panels are proposed.
- **Porches and canopies:** A variety of porch canopies are proposed including gable and mono pitched roofs.
- **Boundary details:** A mixture of fencing, brick walls, hedging, shrubs and estate railing are proposed.

7.9 As set out in the submitted Design and Access Statement, the frequency of different wall and roof materials is varied throughout the site between the different character areas with more render, wood cladding and brown and red tiles used on the landscapes edge, more red brick and slate in the development core and neighbourhood edge.

Landscaping & Open Space

7.10 As set out in the submitted Landscape Statement, the landscape proposals are informed by the approved landscape strategy set out in the approved **Design Code**. Various landscape character areas are defined to provide a series of spaces that offer a range of benefits including

screening, provision of open space, habitat creation and protect against coalescence with nearby settlements. The proposal would deliver public open space in general accordance with the approved **Development Framework Plan** as required by **Condition 5**. This is provided primarily in the form of a countryside park but also through green links within the development area.

7.11 Various landscape character areas are defined to provide a series of spaces that offer a range of benefits including screening, provision of open space, habitat creation and protect against coalescence with nearby settlements. In accordance with the outline consent the proposals would deliver a **Countryside Park** covering approximately 60% or 8.4 hectares of the total site area and additional landscaping and open space within the developed part of the site. The landscaping and open space provision will comprise:

- **Pedestrian and cycle routes** meandering through areas of landscaped public open space and connecting to off-site routes.
- **A community orchard and allotments** creating community engagement and promoting social cohesion.
- **The retention of Moors Woodland** and enhancement of this space with footpath connections to promoting access to nature.
- **A wildlife area** with enhanced existing grassland and ground conditions with wildflower meadow planting to encourage biodiversity.
- **Play spaces** located across the site with a mix of formal and informal play spaces to provide active spaces for people of all ages. A LEAP, a LAP and trim trail equipment to satisfy various age groups and abilities.
- **Sustainable Drainage Systems (SUDS)** incorporating natural drainage basins and swales.
- **The conservation of existing trees and hedgerows** and enhancement through new planting.

Drainage (Condition 7)

7.12 Condition 7 requires that no works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted and approved. In order to demonstrate the suitability of the submitted layout with respect to drainage, a Drainage Strategy Statement prepared

by LDS has been submitted with the application. This statement will be submitted separately to discharge Condition 7, but for the purposes of this application is demonstrates that surface water can be appropriately drained from the site with a combination of permeable paving with geo-cellular storage, enhanced swale features and detention basins that will discharge to the existing on-site ordinary watercourse at an agreed restricted discharge rate.

8.0 SUMMARY AND CONCLUSION

8.1 This Planning Statement has been prepared by Armstrong Rigg Planning on behalf of Dandara Eastern Limited in support of an application for reserved matters consent pursuant to outline planning permission reference UTT/21/3596/OP at Moors Field, Station Road, Little Dunmow, Essex. The outline consent was approved by Uttlesford District Council on 2nd March 2023 granting planning permission for:

"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)"

8.2 The application seeks approval for:

"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"

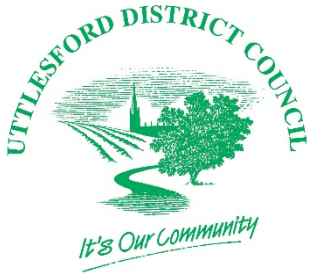
8.3 The application is being submitted directly to the Planning Inspectorate under Section 62a of the Town and Country Planning Act 1990 due to Uttlesford District Council having been placed in special measures. The application seeks reserved matters approval for the proposed layout, scale, appearance and landscaping of the proposed residential development and countryside park as required by **Conditions 1 and 2** of the outline consent. The proposed office hub is excluded from the red line site boundary and will be subject to a separate reserved matters application. This is to allow the applicant time to continue to liaise with Little Dunmow Parish Council on the design and specification of the building to make sure it meets their requirements.

8.4 This Planning Statement sets out the background to the application, provides details of the various parameters agreed by the outline consent and undertakes an assessment of the details comprising the application with reference to the submitted Design and Access Statement and Landscape Statement. In doing so it confirms that the proposals are policy compliant and that the outline parameters and the provisions of relevant conditions and S106 obligations attached to the outline consent are complied with.

8.5 The application follows pre-application discussions and consultation with Little Dunmow Parish Council and the local ward member for UDC. The proposed scheme has taken into account and responded positively to the comments received as set out in the Pre-Application Consultation section above.

8.6 The documentation submitted in support of this application demonstrates that the proposal offers a high quality scheme that sees the efficient use of available and suitable land in an accessible location and designed in such a way as to complement the surrounding area. The scheme meets the key components of sustainable development, complies with all relevant policies and standards, meets the requirements of the outline consent and would respect the character and amenities of the natural, built and historic environment. We therefore respectfully request that it is approved without delay.

APPENDIX 1. OUTLINE APPLICATION COMMITTEE REPORT



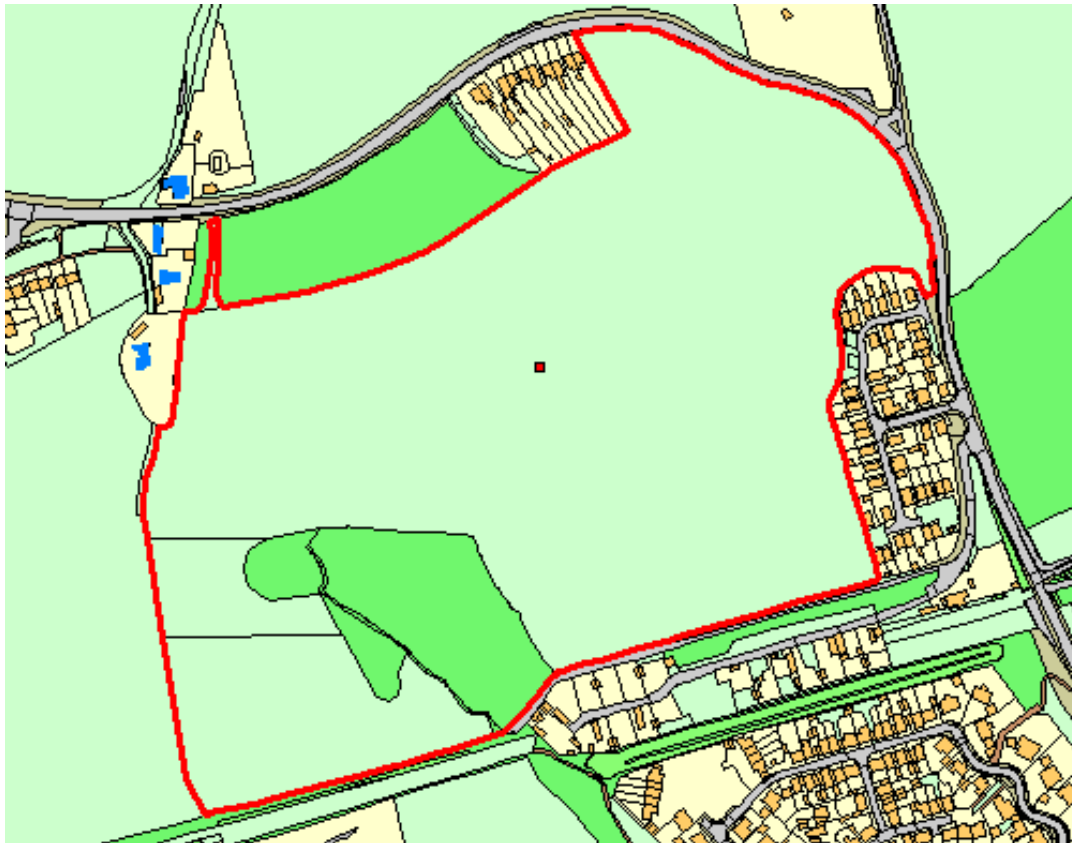
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 31 August 2022

REFERENCE NUMBER: UTT/21/3596/OP

LOCATION: Moors Fields, Station Road, Little Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: August 2022

PROPOSAL: Outline planning application (with all matters reserved except for means of access from Station Road) 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.

APPLICANT: Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes.

AGENT: Mr G Armstrong

EXPIRY DATE: 11 March 2022

EOT Expiry Date: 9 September 2022

CASE OFFICER: Mr Lindsay Trevillian

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 Outline planning permission is sought by the applicant (Catesby Land and Planning Limited, Ms A. Hawkes, Mr B. Hawkes) for the erection of up to 160 dwellings alongside associated works with all matters reserved at the site known as 'Moors Fields, Station Road, Little Dunmow'.

1.2 The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS and thereby paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.

- 1.3 The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in significantly boosting the Councils housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, opportunities for office working in a new office hub, on-site energy generation from low-carbon sources and the provision of public open spaces and a country park. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.4 Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects. Furthermore, the proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of three adjoining listed buildings.
- 1.5 Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. **RECOMMENDATION**

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

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director 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 The area of land subject to this outline planning application relates to the land known as 'Moors Fields, Station Road, Little Dunmow'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

- 3.2** The site is located on the south-eastern side of Station Road approximately 100m north of the village of Flitch Green. The site is relatively level with a slight slope falling approximately 10m from the north across the site to the south and is approximately 14.05 hectares in size. There is no established built form contained on the site and it primary consists of a single large arable field used for agriculture. There is an existing area of woodland known as Moors and an un-framed area of grassland to the south west of the site. Further vegetation in the form of mature hedgerows and trees are scattered along the boundaries of the site which provide some natural screening. No vegetation is covered by tree preservation orders.
- 3.3** The southern boundary of the site abuts 'The Flitch Way' which was a former railway but is now in use as a national cycle rout and public right of way and is designated as a country wildlife park. Opposite the 'The Flitch Way' is a modest size travellers' site and the main urban area of the village of Flitch Green.
- 3.4** The south-eastern corner of the application site is abutted by a residential development of approximately 25 dwellings at Ainsworth Drive and Harrisons Road. The rear gardens of approximately 10 residential dwellings set in a linear row along the southern side of Station Road back onto the northern boundary of the application site. Further to the north-west is the village of Little Dunmow located approximately 300m from the application site. Large open fields used for agriculture are located to the west of the site.
- 3.5** The site currently has three existing field access points, being in the north-western corner, a further alongside Pond Hill Villas, and another alongside Harrisons Road.
- 3.6** An existing public right of way (PRoW 35_35) extends along the western boundary of the site in a north-south direction and joins to a further public right of way (PRoW 35_10) which intersects through the site joining the village of Little Dunmow and Flitch Green.
- 3.7** 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. Although not abutting, Little Dunmow Conservation area is located approximately 175m to the north-west of the site. The village of Little Dunmow consists of a number of listed buildings. The closets 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. PROPOSAL

- 4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 160 dwellings be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans and a 'Design Code' which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3** The applicant confirms that there will be a mixed density and character areas throughout the site. This will include a lower density (25-30dph) along the interfaces with the northern open space, medium density (30-35dph) within the centre of the site and a higher density (35-40dph) along the southern edge of the site.
- 4.4** The height of residential development will generally be two storeys, with a some two-and-a-half dwellings. The houses would be a mixture of detached, semi detached and terrace houses and occasional apartment buildings.
- 4.5** Up to 160 new dwellings are proposed, of which up to 64, or 40% of the total, are to be affordable housing units with a mix of affordable tenures.
- 4.6** The creation of a new 100 sqm building is also proposed as an office hub to provide local workplace, enable remote working and to help reduce the need future occupiers to travel to work.
- 4.7** Approximately 8 hectares of the application site will be of public open space which will include, a new countryside park, allotments, community orchard, new play areas, ecology areas and a circular walking and cycling trail.

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 Application Site:

- 6.1.1** The application site formed part of a larger planning application in 2014 (application reference UTT/14/2756/OP) seeking permission for up to 750 dwellings, a village centre, community and employment use and a primary school. The application site only formed a small proportion of

the above proposals which extended to its north, south and west totalling approximately 55 hectares. This application was refused on grounds that it would be of a scale not compatible with the surrounding area, would result in coalescence with Little Dunmow and Flitch Green and harm the setting of the Little Dunmow Conservation Area and listed buildings.

6.2 Surrounding sites:

6.2.1 Outline planning permission was sought under application ref: UTT/18/0440/OP for the construction of 18 dwellings with all matters reserved except for accesses and structural landscaping, at the site known as Land at Pound Hill, Little Dunmow. This site immediately abuts the northern boundary of the application site.

6.2.2 This application was refused by the Council on 13th December 2018 for reasons relating to visual impact to the character of the area and harm upon the heritage assets. This application was subsequently appealed under ref: APP/C1570/W/19/3228069 where the Inspector concluded to allow the appeal. The planning merits of this application are relevant to some extent to the assessment of this scheme and are referred to in the main assessment of this report.

6.2.3 UTT/19/1789/FUL – Full planning permission was granted 21st May 2021 for 14 dwellings vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure at the same site as above.

6.2.4 Outline planning permission was sought under application ref: UTT/18/1039/OP with all matters reserved except access for the erection of 9 no. bungalows on the site 'Land To The East Of Station Road Felsted Essex'. This application was appealed for non-determination by the Council under appeal ref: APP/C1570.W/18/3214763 whereby the Inspector concluded to allow the appeal on the 15th May 2021.

6.2.5 Following the allowed appeal, subsequently a full planning application was submitted for the same site under application ref: UTT/21/3182/FUL for the construction of 9 dwellings alongside associated infrastructure and access. This application was granted permission on 22nd April 2022.

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 and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

- 7.2 This has included pre-application engagement including a programme of meetings between April and October 2021 between the Applicant and officers of Uttlesford District Council.
- 7.3 Furthermore, the Applicant has also given a pre-application presentation to Members of the Council's Planning Committee on 13th August 2021.
- 7.4 The applicant has also undertaken a virtual consultation with the local community. This included setting up a website to display the proposals and various strands of technical work. Local residents were made aware of the consultation exercise via a leaflet drop to 1,230 addresses and advertisements in the local press.
- 7.5 The applicant also attempted to liaise with Ward Councillors, the Flitch Way Action Group and contacted both the Flitch Green and Little Dunmow Parish Council's offering to meet and discuss the proposals prior to the application submission. However, for an unknown reason, these parties did not make commit to meeting the applicant.
- 7.6 Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed by officers and the public throughout the duration of the pre-application and consultation stages and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highway Authority – No Objection

- 8.1.1 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The Highway Authority concluded that from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions if permission was consented.

8.2 ECC Local Flood Authority – No Objection

- 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 imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities. These conditions are attached to the list of conditions outline in Section 17 of this report.

8.3 ECC Minerals and Waste – No Objection

8.3.1 The application site does not pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment is not required as part of the planning application.

8.3.2 The application site does not pass through a Waste Consultation Area (WCA) and therefore, a Waste Infrastructure Impact Assessment is not required as part of the application.

8.3.3 We would recommend a condition attached if permission is approved requiring a condition for the applicant to prepare an appropriately detailed waste management strategy through a Site Waste Management Plan. This has been suggested as part of the conditions in Section 17 of this report.

8.4 Historic England – No Objection

8.4.1 We have carefully considered the comprehensive documentation submitted with the application and in this instance, we do not wish to offer any comments.

8.5 ECC Infrastructure – No Objection

8.5.1 A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 160 dwellings:

Early Years & Childcare: 160 houses multiplied by 0.09 = 14.40. 14.40 multiplied by £20,508.00 = £248,659.20;

Primary: 160 houses multiplied by 0.3 = 48. 48 multiplied by £17,268.00 = £828,864.00;

Secondary: 160 houses multiplied by 0.2 = 32. 32 multiplied by £23,775.00 = £760,800.00;

Libraries: £77.80 per unit.

8.5.2 In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries.

8.6 NHS West Essex

8.6.1 The proposed development is likely to have an impact on the service of 2 GP practice operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The development could generate approximately 450 residents and subsequently increase demand upon existing constrained services.

8.6.2 The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated

in the National Planning Policy Framework, provide appropriate levels of mitigation. A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £92,542.00. West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

9. PARISH COUNCIL COMMENTS

9.1 Felsted Parish Council - Objects

9.1.1 Traffic / Highways – The development would have a significant and unacceptable impact on traffic flow through Felsted village on the services and facilities within Felsted Parish.

9.1.2 The proposals will inevitably increase further the pressure on the local transport network contrary to UDC Policy GEN1.

9.1.3 Infrastructure – The Parish understands that the sewage works are unable to take further housing.

9.1.4 The doctors surgery within Felsted is already oversubscribed.

9.1.5 Felsted Primary School is full in all year groups.

9.2. Little Dunmow Parish Council - Objects

9.2.1 Overdevelopment – The proposal is outside the development limits and therefore constitutes inappropriate development and unsustainable development and would almost double the size of Little Dunmow. The proposals constitute linear ribbon development linking Little Dunmow to Flitch Green and Felsted.

9.2.2 Countryside – The proposals would have a negative impact on the landscape

9.2.3 Heritage – The proposals would cause harm to Little Dunmow Conservation Area as well as a number of listed buildings.

9.2.4 Biodiversity – The Flitch Way is a designated Local Wildlife Site. The proposals would adversely affect the rural landscape of the area and will irreparably harm the Flitch Country Park, wildlife and wildflowers.

9.2.5 Access – The proposed access is on a bend and is dangerous. Station Road is already congested at peak times and has had a number of road traffic accidents.

9.2.6 Sustainability – Little Dunmow is classed as an unsustainable village. All local schools are oversubscribed and are unable to accommodate the number of children expected.

The two nearby doctor's surgeries are already oversubscribed.

9.3 Flich Green Parish Council - Objects

9.3.1 Coalescence/Urban Sprawl – The proposals would provide coalescence of the three individual settlements of Flich Green, Little Dunmow and Felsted. The three villages would simply become one linear conurbation losing their individual identities.

9.3.2 Environment – This proposal will have a devastating impact on the attractive rural landscape resulting in a loss of open countryside paving the way for significant urbanisation.

9.3.3 Biodiversity – The proposals will have a very significant negative impact on the local wildlife.

9.3.4 Drainage – Drainage and sewage systems are already at their capacity limits.

9.3.5 Sustainability – Lack of local services and amenities, schools, doctors, and employment to accommodate further development.

9.3.6 Transportation – The proposals will result in a detrimental impact to highway safety and congestion.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 UDC housing officers has confirmed that the provision of 40% affordable housing is required and that it is Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 9 bungalows across the whole site delivered as 4 affordable properties and 5 for open market. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.

10.2 UDC Environmental Health

10.2.1 No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to contamination, air quality, noise, external lighting and construction.

10.3 UDC Urban Design Officer - No Objections

10.3.1 A Design Code has been included which is a positive addition. The officer stipulates that a condition needs to be included which states that the Design Code must be complied with, to give adequate weight in the decision making process at reserve matters stage.

10.4 UDC Landscape Officer/Arborist – Concerns Raised.

10.4.1 The revised illustrative landscape strategy plan goes some way to address my concerns. However, I remain concerned over the issue of coalescence between Flich Green and Little Dunmow.

10.5 Place Services (Conservation and Heritage) – Concerns Raised.

10.5.1 The application site through being open arable land makes a positive contribution to the setting to all identified heritage assets including the Little Dunmow Conservation Area and a number of Listed Buildings.

10.5.2 The proposed development will result in adverse impacts to the setting of the heritage assets, including the impact upon the historically uninterrupted views across the agrarian landscape resulting in a level of less than substantial harm.

10.5.3 Place Services concluded that the proposals would fail to preserve the special interest of several listed buildings contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change to their setting. In particular, the proposals shall result in a level of less than substantial harm at a low to medium level for Willow Cottage, The Cottage and Brights Cottage and at the lowest end of the spectrum for several other designated heritage assets.

10.5.4 The proposed development shall be visible from within the Little Dunmow Conservation Area and in long views from the Grade 1 listed Church of St Mary the Virgin. In consideration of the revised plans, the robust landscaping plan and the distance between the sites, the proposals are not considered to result in harm to the significance of these heritage assets.

10.6 Place Services (Ecology) – No Objection

10.6.1 Place Services confirmed that they have reviewed all the supporting documentation relating to the likely impacts of development on designated sites, protected species and priority species & habitats and identification of appropriate mitigation measures.

10.6.2 They concluded that the mitigation measures identified the Ecological Appraisal (Aspect Ecology, November 2021) was appropriate and should be secured by a condition of any consent and implemented in full.

10.6.3 It was also concluded that they support the proposed biodiversity enhancements including new native planting, the creation of wildflower grassland, wetland features and log piles, the installation of bat boxes, hedgerow nest domes, bird boxes and bee bricks which have been recommended to secure net gains for biodiversity and should also be secured by way of imposing planning conditions.

10.6.4 Place Services conclude that impacts arising from the development will be minimal such that the proposals are acceptable subject conditions. These conditions are suggested in Section 17 of this report.

10.7 Crime Prevention Officer – Concerns Raised

10.7.1 Whilst there are no apparent concerns with the general layout, we question the need to provide additional points of access onto the Fritch Way other than the existing footpath. In this case we feel the increase permeability increases the potential for crime for this and neighbouring developments. To commit further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

10.8 London Stansted Airport – No Objection

10.8.1 The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to conditions imposed on the consent in respect to mitigation measures to be taken to prevent birds being attracted to the site, prevention of light spillage and no reflective materials to be used in the construction.

10.9 Anglian Water – No Objection

10.9.1 Waste Water Treatment

10.9.2 The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

10.9.3 Used Water Network

10.9.4 The sewerage system at present has available capacity. If the developer wishes to connect to our sewerage network, they should contact ourselves.

10.9.5 Surface Water Disposal

10.9.6 From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such we are unable to provide comments on the suitability of the surface water management.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Letter of representation were received in which the main concerns are summarised as per below.

11.3 Object

11.3.1 Infrastructure – The proposals will result in strain to existing services that are already overstretched such as doctors, and schools.

The sewage system is at capacity.

Construction Works – Building works will cause unacceptable noise, dust, vibration and increase construction traffic.

Traffic/Highways – The proposals will result in harm to highway safety, cause more traffic congestion on the local highways and result in more accidents.

The existing highways (station road) is of a poor quality, narrow and will not be able to accommodate the increase intensification of construction vehicles and residential traffic.

Urban Sprawl / countryside – The proposals will join Little Dunmow and Flitch Green spoiling the rural area and the historic site of Little Dunmow.

The development will erode the natural habitat.

The proposals represent an ongoing erosion of the countryside around Little Dunmow moving towards urbanisation.

The historic identity of Little Dunmow will be lost.

The proposals will set a precedent for other similar developments.

The density and placement of the proposals is out of character.

Unsustainable – The proposals are not located in a sustainable location in relation to local amenities and services. The bus service is not regular and existing and proposed footways are not safe.

Countryside Park – The proposed open space area is not necessary.

The Flitch Way – The proposals would add to the further pressure upon the Flitch Way.

Flooding/Drainage – The proposals would amount to increase flooding of Station Road and the surrounding area.

Pollution – The proposals would cause noise, air and light pollution in a semi rural environment.

Amenity – The proposals would be detrimental to the amenity of adjoining occupiers by way of loss of privacy, side and disturbance and visual blight.

Biodiversity – The proposals would harm local wildlife species and their habitats.

Heritage – The proposals would result in harm upon the nearby listed buildings and Little Dunmow Conservation area.

11.4 Comment

11.4.1 The above concerns have been fully assessed in detail within the main assessment 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 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 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)

12.4.2 **Uttlesford Local Plan (2005)** – Provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.

13 POLICY

13.1 Relevant development plan policies and material considerations:

13.2 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
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Interest
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV11 – Noise Generators
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H9 – Affordable Housing
H10 – Housing Mix

13.3 **Supplementary Planning Document or Guidance**

- 13.4 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

13.5 National Policies

- 13.7 **The National Planning Policy Framework** (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Principle of Development**
 - B) Suitability and Location**
 - C) Countryside Impact**
 - D) Character and Design**
 - E) Heritage**
 - F) Archaeological**
 - G) Loss of Agricultural Land**
 - H) Housing Mix and Tenure**
 - I) Neighbouring Amenity**
 - J) Parking and Access**
 - K) Landscaping, Open Space**
 - L) Nature Conservation**
 - M) Contamination**
 - N) Flooding**
 - O) Planning Obligations**
 - P) Other Issues**

14.3 A) Principle of Development

- 14.3.1 The application site is located outside the development limits of Little Dunmow and Flitch Green within open countryside and is therefore located within the Countryside where policy S7 applies.

- 14.3.2 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. It is not

considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

14.3.3 The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

14.3.4 Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

14.3.5 The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal 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.

14.4 B) Suitability and Location

14.4.1 The Applicant submits that the proposals would represent a sustainable form of development. The villages of Little Dunmow and Flitch Green are identified within the Local Plan settlement hierarchy as being "Other Villages" where it is recognised that there is some limited potential for future development within their settlement boundary or on previously developed land.

14.4.2 Although outside the settlement boundaries of the village of Flitch Green, the new built form would be constructed adjacent to the northern edge of the village and therefore to a limited extent, the proposals provide a logical relationship with the existing village.

14.4.3 The villages of Little Dunmow and Flitch Green between them have a limited number of local services and amenities that are within walking/cycling distance from the application site. This is also confirmed with the lead local highway consultation response who suggested that the location of the site is such that access to facilities, employment and leisure opportunities is limited and the speed limit of 40mph on the road makes cycling less attractive. The highway authority confirm that most journeys and the only practical option will be for residents to use a motor vehicle.

14.4.4 Local facilities include a primary school, village hall, supermarket, public house, playing fields and cultural and religious buildings. The larger village of Felsted and the town of Great Dunmow are located approximately 1.7 and 3.8km retrospectively are a 5 min drive where other larger amenities can be found.

- 14.4.5** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus) links. A regular bus service runs along Station Road connecting the site to the nearby towns of Great Dunmow, Braintree, Chelmsford and further beyond. Full details of the site's accessibility are provided within the supporting Transport Assessment.
- 14.4.6** During the assessment of the appeal application ref: APP/C1570/W/19/3228069 which abuts the northern boundary of the application site, the Inspector concluded that the construction of 18 dwellings would not be unreasonable in respect to its location when one takes into account the sites proximity to local serves and facilities. Within their decision, the Inspector concluded:
- 14.4.7** *Future residents of the appeal scheme would be within walking distance of some facilities and a bus route passes the site. Thus, the occupants of the dwellings need not be reliant on private motorised transport.*
- 14.4.8** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Little Dunmow and Flitch Green.
- 14.4.9** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.10** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.
- 14.4.11** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

- 14.4.12** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.
- 14.4.13** The creation of a new 100sqm building is also proposed as an office hub to provide local workplace, enable remote working and to help reduce the need future occupiers to travel to work. This will provide some limited benefits in context to the above.
- 14.4.14** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Little Dunmow and Flitch Green does not have any doctors or dentists within the village, although it is noted that these services are provided in Felsted and Great Dunmow. The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees, and these could be secured by way of s106 Legal obligation.
- 14.4.15** For all of the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

14.5 C) Countryside Impact

- 14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.5.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.3** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.
- 14.5.4** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the

preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

- 14.5.5** The application site lies within the character area known as Felsted Farmland Plateau. The Felsted Farmland Plateau extends from the A120 in the north to Black Notley in the east, Chatham Green in the south and Felsted in the west. The farmland is gently undulating with a patchwork of irregular medium to large fields. Their boundaries are enclosed by either thick but intermittent hedgerows, or just marked by grassy banks and ditches. In long views scattered small woods and copses and hedgerow trees coalesce to sometimes create the illusion of a wooded horizon. The area is fairly densely populated with villages straggling along the roads to coalesce with each other. The farmsteads also form clusters of buildings. Interest and variety is added to the area through the presence of local vernacular buildings with colour washed walls and red tiled or thatched roofs.
- 14.5.6** The assessment describes that the key characteristics that are sensitive to change are the landscape elements within that include many small woodlands, copses and hedgerow trees. It also acknowledges that the comprehensive network of quiet rural lanes and byways, which cross the landscape are sensitive to potential increased traffic flow, associated with new development. It concludes that overall, this character area has low – to moderate sensitivity to change.
- 14.5.7** Overall, the site is representative of the local landscape character and characteristics as identified in the Uttlesford Landscape Character Assessment. The landscape fabric of the site can be described as a medium to large arable field containing a pocket of Woodland called 'The Moors' along with an area of grassland across the southern-western corner. Mature hedgerows are located along the northern and western boundaries and the Flitch Way woodland corridor abuts the southern boundary. A PRow crosses the site within the south west linking the Flitch Way extending to Little Dunmow.
- 14.5.8** Although it is acknowledged that the site comprises of arable land and is rather undulating in respect to its topography, it is set within pockets of settlement, woodlands and linear tree belts which to some extent help to enclose the site and thereby reducing the perceived sense of being in the open landscape.
- 14.5.9** The site is mostly screened in views from the south and west by the Flitch Way. Users of the Flitch Way will experience glimpsed views of the site through gaps and patches of the existing vegetation lining the route. From the north and east, the site is visible within a number of views from adjacent fields, residential dwelling and along Station Road.

- 14.5.10** It is acknowledged that the proposal introducing up to 160 dwelling alongside associated infrastructure will bring change to the visual aspects and character of the site change.
- 14.5.11** However, the application proposals will in part help to conserve and seek to protect and enhance where possible positive feature that are essential in contributing to local distinctiveness and sense of place through effective planning and positive land management measures. The proposals will also help to improve the integrity of the landscape, and reinforce its character, by introducing new and/or enhanced elements where distinctive features or characteristics are absent. For example, the proposals will:
- 14.5.12** Conserve and enhance the existing hedgerow pattern and strengthen through planting where appropriate to local landscape character.
Conserve and manage areas of semi-natural woodland as important landscape and nature conservation features.
Conserve and manage the ecological structure of hedges within the within the site and provide biodiversity net gains.
Established a wildflower meadow for much of the countryside park with further pockets of tree planting.
- 14.5.13** The proposed scheme is for up to 160 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality.
- 14.5.14** It is acknowledged that there are some open views over the existing countryside from the north and east. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the site and the topography. The location of the proposed open space has been focussed on a green corridor that wraps around the northern and western edges of the development envelope to retain the visual and physical gap between the proposed development and Little Dunmow. This also helps to some extent and limit merging of the villages of Little Dunmow and Flitch Green.
- 14.5.15** The proposed indicative layout presents generally a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site similar the adjoining new and existing residential development within the locality, and the allowance for visual separation and buffer zones from Station Road and The Flitch Way is such that the proposed development would not be a would be of a modest addition in respect to its prominence in the local area and the effect on the local landscape.

- 14.5.16** The development envelope of the built form would nestle into a largely contained and framed site next to existing housing and the established existing and new vegetation on the boundaries would help limited/reduce the visual influence beyond the site itself and its immediate setting.
- 14.5.17** The proposed indicative layout will preserve and enhance the existing boundaries through the retention of the existing trees and hedgerows along all boundaries and would provide a detailed landscape scheme of proposed enhancements where required to fill in missing gaps. This seeks to protect important landscape elements for nature conservation and provide additional soft screening along the boundaries of the site. The application sites boundaries will, therefore, provide modest containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.
- 14.5.18** In outlying views from the countryside from the north and east and from public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Flich Green resulting in only a modest level of visual effect.
- 14.5.19** It could be considered that that tranquillity nature of the site has been slightly diminished by the existing and soon to be built modern residential developments that abuts the sites north and eastern boundaries. The surrounding urban context present along the site boundaries could be considered as a landscape detractor limiting the overall open sensitivity of the site and thereby that the proposals could be regarded as not being at odds or uncharacteristic in this locality.
- 14.5.20** It is considered that the most significant level of effect is from the north and east of the site, which is considered to be moderate to high, whilst views from the south are considered to be low to medium.
- 14.5.21** The development proposal would have a modest visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.6 D) Character and Design

- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high

quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

- 14.6.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The density of the site would be between 25-40 dwellings/hectare and there would be a mixture of housing types.
- 14.6.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.
- 14.6.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.
- 14.6.5** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi-rural locations.
- 14.6.6** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height and materials and that these will be set out across three different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene.
- 14.6.7** The applicant has provided a 'Design Code' document which provides guidance and outlines measures of high level design coding and place making, including healthy lifestyles for future occupants to guide future reserve matters applications. A condition has been suggested in Section 17 of this report that any future reserve matters applications are to be guided by the measures outline in the 'design Code' to ensure an high quality design.
- 14.6.8** There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.

14.7 E) Heritage

14.7.1 Policy ENV 2 (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.

14.7.2 The application site lies within the setting of several heritage assets including:

Penash, grade two listed
Brights Cottage, grade two listed
The Cottage, grade two listed
Willow Cottage, grade two listed
Bayleys, grade two listed
Ivy House, Grade two listed
The Church of St Mary the Virgin, grade 1 listed
The Little Dunmow Conservation Area

14.7.3 Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.

14.7.4 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*'.

14.7.5 The 'Setting of a heritage asset' is defined as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'

14.7.6 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

14.7.7 Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should

be weighed against the public benefits of a proposal, including securing its optimum viable use.

- 14.7.8** To minimise the impact on setting of the listed buildings set along the north-western corner, a large area of open space has been proposed free of any built form and additional soft landscaping is to be planted to help soften and screened the proposed built form. The western edge of the development area is located approximately 180m from the nearest listed building at Willow Cottage. This area is directly between the listed buildings and the new residential section of the site.
- 14.7.9** The application was formally consulted to Place Services conservation officer who confirmed that they have concerns with the proposals. They stated that they are concerned with the cumulative impact of recent development within the setting of 'Brights Cottage', 'The Cottage', and 'Willow Cottage, and although there is open space separating the development which is positive, and a robust landscaping strategy is proposed, further additional built form would amount to less than substantial harm. Although this harm has been reviewed as being at the lower to medium end of the spectrum.
- 14.7.10** Place Services concluded that the proposals would fail to preserve the special interest of the above listed buildings, through the change in their setting and confirms that paragraph 202 of the Framework is relevant.
- 14.7.11** An important material considered to take into consideration are the comments made by the Inspector when assessing Appeal ref: APP/C1570/W/19/3228069 which sought outline permission for the construction of 18 dwellings on the land known as Land at Pound Hill, Little Dunmow, Essex. This appeal site abuts the northern boundary of the application site and lies directly to the east of the above listed buildings.
- 14.7.12** *The appeal site is within the setting of a group of listed buildings to the west. These are vernacular cottages intrinsically linked with the rural landscape. The appeal scheme would urbanise this setting, but an adequate buffer could be retained if the western extent is left undeveloped in the way indicated on the indicative layout. As such, the proposal would preserve the setting of the listed buildings. Similarly, the proposal is sufficiently far enough away from the Little Dunmow Conservation Area to ensure its character and appearance would be preserved.*
- 14.7.13** It is considered that material weight needs to be applied to the Inspectors comments above as they concluded that the proposals would preserve the setting of the listed buildings. The built form of the application proposals is significantly setback from that of the built form allowed under the above appeal appealed in which the Inspector concluded to be appropriate.

- 14.7.14** It has been found that the proposals will result in a low to medium impact of 'less than substantial harm' to the setting and significance of the grade two listed buildings of 'Brights Cottage', 'The Cottage' and 'Willow Cottage' as identified by Place Services conservation officer. As such, and as per the requirements of paragraph 202 of the Framework, the decision maker needs to weigh the identified harm against the public benefits of a proposal.
- 14.7.15** It is recognised that the proposals would result in up to 160 additional dwelling houses including the provision of 40% affordable units in a time where the Council are in need of housing which can be regarded to be of significant weight in respect to public benefits. It will also provide additional employment opportunities with the addition of an office hub building.
- 14.7.16** It is concluded that this significant benefit would overcome the identified harm upon the heritage asset identified as above. The proposals thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.

14.8 F) Archaeological

- 14.8.1** In accordance with policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.8.2** The application is supported by a Historic Environmental Desk-Based Assessment and a Geophysical Survey Report. With respect to archaeology, the reports confirm that the site does not contain any known designed and non-designated archaeological assets and that based on the proximity to known archaeological sites, the site has a moderate to high potential for Iron Age/Roman remains and a low potential for all other past periods.
- 14.8.3** The applicant has advised that they are willing to agree, if necessary, a scheme of archaeological investigation including trial trenching prior to works commencing on site to be secured by means of a planning condition.
- 14.8.4** To secure the necessary archaeological evaluation as required above, suitable planning conditions as per those recommended by the County's archaeological shall be imposed. The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4.

14.9 G) Loss of Agricultural Land

14.9.1 Paragraph 174(b) of the Framework states “Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

14.9.2 Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

14.9.3 Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

14.9.4 Most of the land in Uttlesford District Council is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.

14.9.5 Defra’s mapping indicates that the application site is within Grade 2 and 3, and thus the proposed site is best and most versatile land.

14.9.6 There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.

14.9.7 The application site represents a comparatively small amount of agricultural land being approximately 14 hectares in size. It is part of a much larger agricultural unit however it is not integral to the operation of that unit. The application was consulted to Natural England who confirmed that they had no comments to make in respect to the proposals. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

14.10 H) Housing mix and Tenure

14.10.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council’s approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes,

including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 14.10.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 160 properties. This amounts to up to 64 affordable housing properties. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.
- 14.10.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 14.10.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of dwellings, no accommodation schedule has been provided. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the applicant refers to the above accommodate needs.
- 14.10.5** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 9 bungalows across the whole site delivered as 4 affordable properties and 5 for open market. The applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix.

14.11 I) Neighbouring Amenity

- 14.11.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.11.2** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.11.3 However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.

14.12 J) Parking and Access

14.12.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must 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.

14.12.2 Access forms part of merits of this application and is not reserved. The site will be accessed off Station Road via a new priority junction which will serve as the main ingress point to enter and leave the site for vehicles and pedestrians.

14.12.3 This is an outline application and therefore the internal road layout and further details will also be provided as part of the Reserved Matters. The applicant states that it is the intention that the internal layout will be designed in accordance with ECC's requirements.

14.12.4 The proposals are to provide a new footway on the western side of Station Road leading from the new vehicle access and connecting with the existing footpath provision on Station Road. Further pedestrian connections are proposed to the south of the site connecting onto the public rights of way which then lead onto the Flitch Way.

14.12.5 The application was consulted to the lead local highway authority who confirmed that they have reviewed all the supporting documentation including the submitted Transport Assessment and undertaken a site inspection.

14.12.6 The highway authority confirmed that they have considered all aspects in relation to highways including, access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The highway authority concluded that they were satisfied that with the proposed mitigation the cumulative, residual impact on the highway network will not be sever.

14.12.7 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions. The highway mitigation focusses on promoting sustainable transport with a travel plan supported by contributions to improve local bus services, enhancement of existing bus stops, lighting, and signage. Several connections for walking and cycling are proposed as part of the scheme and conditions are suggested to protect the Flitch Way and

existing public rights of way. In addition, it is suggested that a Flitch Way contribution of £206,720.00 should be paid to provide appropriate surfacing and drainage, signage, and information boards from this section of the Flitch in the vicinity of the site and to provide a contribution to the design implementation of a bridge (known as Cherry Garden Bridge) to help improve walking and cycling connections. Full details of the suggested conditions are within Section 17 of this report.

- 14.12.8** 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'.
- 14.12.9** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.12.10** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.12.11** The applicant states that the proposals will include the provision of electric vehicle charging infrastructure for each residential unit.
- 14.12.12** The proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.13 K) Landscaping, open space

- 14.13.1** Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.
- 14.13.2** 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. It is suggested that a high-quality landscape plan be supported in support of the proposals.

- 14.13.3** It is understood that the proposals would include where possible the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm in order to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.
- 14.13.4** The supporting Arboriculture Impact Assessment confirms that the only removal will be of low-quality scrub and hedgerows, although a single category B English Oak will be required to be removed to accommodate for the new access. No objections have been raised to removal of this vegetation by the Council's landscape officer.
- 14.13.5** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.
- 14.13.6** The proposed development includes the provision of a new country park covering approximately 60% or 8.4 hectares of the total site area. The country park is to be located to the north and west of the site and it will include allotments, a community orchard and a play area. The applicant confirms that the existing wood within the western portion of the site will be retained with additional woodland provided to the south west to create additional wildlife habitats.
- 14.13.7** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. Play areas must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained.
- 14.13.8** It is acknowledged that Local Equipped Area of Play (LEAP) is to be form part of the proposals with the potential of a natural play areas and a trim trail within the opens space areas. Although the size of these areas is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future formal and informal play areas should accord with the guidance set out in the 'Fields of Trust'.

14.13.9 The provision of land as allotments is proposed as part of the scheme to the western part of the site within the open space area. Details of the layout of the allotments have not been confirmed but there should be a mixture of plot sizes, with watering points spaced at 25m apart at the key junction points of the allotment paths. A hedgerow or security fencing in the form of a dark green weld-mesh fence 1500mm high should bound the allotments providing adequate security. In addition, suitable entrance points to allow access for delivery vehicles and for disabled access and a parking area with up to 5 parking spaces should be included to meet the needs of all users.

14.14 L) Nature Conservation (GEN7 and the NPPF)

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

14.14.2 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is reasonably close to Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). 'The Flitch Way' is also a designated Country Wildlife Site.

14.14.3 Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

14.14.4 The ecologist noted that the applicant's submission which states that the proposed scheme will contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution. In accordance with the National Trust requirements, a sum of £27,000.00 towards ongoing work to mitigate recreation impacts is to be provided. The financial contribution will be secured by a S106 legal agreement to help avoid and mitigate impacts on Hatfield Forest NNR/SSSI.

14.14.5 Place Services ecologist also confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

14.15 M) Contamination

14.15.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority by way of a Phase 1 Assessment.

14.16 N) Flooding & Drainage

14.16.1 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.

14.16.2 A check of the Environmental Agency's website and the Council's policy maps has identified the site is within a fluvial Flood Zone 1.

14.16.3 New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.16.4 In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development incorporates a sustainable drainage system including a large attenuation pond to the south of the site. In order to prevent flooding, both on and off-site attenuation and controlled discharge will be utilised to control surface water flows. These features will be designed to store the volume of water associated with a 1 in 100 year rainfall event, plus an additional allowance to account for increase rainfall due to climate change.

14.16.5 Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.

14.16.6 The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

14.17 O) Planning Obligations

14.17.1 Paragraph 56 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 planning obligation, if it were proposing to grant it permission.

14.17.2 Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £20,508.00 per place Total contribution = **£248,659.20**)

Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £17,268.00 per place (Total contribution = **£828,864.00**)

Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £20,508.00 per place total contribution = **£760,800.00**)

Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, allotments, a community orchard, play areas and trim trail. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.

Libraries contributions: if required the provision of an appropriate contributions towards library facilities as agreed with the County Council. Financial contribution of £77.80 per unit, Total contribution = **£12,448.00**)

Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£92,545.00**).

Hatfield Forest: if required the provision of an appropriate per dwelling contribution towards botanical and visitor monitoring and mitigation works at Hatfield Forest. Financial contribution = **£27,000.00**)

Bus stops: Prior to any occupation the enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N shall comprise of (but not limited to) the following facilities: shelters, seating, raised kerbs, bus stop markings, pole, flag and timetable information.

A financial contribution of **£416,000.00** to fund improvements to enhance bus services between the development and local amenities and/or key towns to improve frequency, quality and geographic cover of bus routes serving the site.

A financial contribution of **£86,720.00** towards improvements of 'The Flitch Way' to provide appropriate surfacing and drainage, signage, and information boards.

A financial contribution of **£120,000.00** towards Improvements to Cherry Garden Bridge, Great Dunmow

Residential Travel Plans. The residential travel plan shall be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of **£1596.00** per annum (index linked), to be paid to Essex County Council.

Affordable Housing: 40% affordable housing (split across the affordable rent, intermediate tenures and first homes)

Provision of 9 residential bungalows, (4 affordable, 9 market units)

The provision of an on-site building to contain an office hub (100 square meters floor area) and its future management.

Payment of the council's reasonable legal costs. Payment of monitoring fee.

14.18 P) Other Issues

14.18.1 Energy and Sustainability

14.18.2 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

14.18.3 The applicant states that the proposed dwellings would be built to meet the 2025 Future Homes Standards, delivering net zero ready homes which reduce carbon emissions by at least 75% beyond current regulations. Furthermore, it is suggested that the buildings would be designed to make use of sustainable materials to reduce the environmental impact of construction and waste minimisation strategies would be employed throughout the construction.

14.18.4 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings. The applicant states that this will be achieved through a combine fabric, energy efficiency and low carbon renewable energy approach such as; triple glazed windows, heat recovery systems, provision of solar PV on all homes and air source heat pumps,

14.18.5 It is suggested that a condition be imposed if outline permission is approved that the development be constructed in accordance with the

supporting Sustainability and Energy Statement prepared by Turley November 2021 to ensure that the development meets the set targets contained in the Uttlesford Interim Climate Change Policy (2021).

14.18.6 The above commitments by the Applicant meet the Council's corporate Interim Climate Change Planning Policy (2021) and are significantly in excess of the measures that can be secured by adopted local planning policy.

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 AND CONCLUSION

16.1 With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby they still carry reasonable weight.
- 16.3** In respect to addressing the benefits of the proposed development, the provision of up to 160 dwellings including 64 of these being affordable housing would represent a significant boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. Furthermore, a new building to be used as an office hub to provide local workspace and enable remote working and reduce the need for residents to travel to work.
- 16.4** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.
- 16.5** The applicant has committed to a Carbon Reduction, that will include energy efficient dwellings built to meet the 2025 future home standards which will reduce carbon emissions by at least 75% beyond current regulations. These commitments by the Applicant meet and are excessive to the Council's corporate Interim Climate Change Planning Policy (2021).
- 16.6** The provision of approximately 8.4ha of new public open space would be delivered that would include space for play areas, allotments and a community orchard space.
- 16.7** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.8** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects.
- 16.9** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of three listed buildings. This harm has been found to be at the lower to medium end of the spectrum of 'less than substantial harm' and therefore paragraph 202 of the NPPF is engaged.

- 16.10** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.11** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.12** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.13** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- i. Payment of education financial contributions; Early Years, Primary and Secondary Schools
- ii. Libraries' contribution
- iii. Financial contribution for Health contributions
- iv. Provision of 40% affordable housing
- v. Provision and long-term on-going maintenance of public open space (including play areas, trim trial, community allotments and orchard)
- vi. Financial contribution to mitigate on impact of Hatfield Forest
- vii. Highways obligations and associated financial contributions
- viii. Monitoring cost

17.2 Conditions

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

- 4** The development shall be carried out in accordance with the following approved plans: Site Location Plan Dwg Ref: 07a & Proposed Site Access Dwg Ref: 22268-04 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality, street scene and highway safety in accordance with Policies S7, GEN1, GEN2 of the Adopted Local Plan and the NPPF.

- 5** The location of the built development shall be carried out in general accordance with the Development Framework Plan Dwg Ref: 3501H unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and street scene in accordance with Policies S7, GEN2 of the Adopted Local Plan and the NPPF.

- 6** The development hereby approved shall be constructed in accordance with the details as set out within the 'Design Code' (February 2022) prepared by Catesby Estates Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a high-quality development and place making is achieved when applications for reserve matters are submitted in accordance with Policy GEN2 of the Adopted Local Plan and the NPPF.

- 7** 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. We would expect to see further testing undertaken in winter to reflect the most conservation management. This should be based on detailed 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. Designing for infiltration should also take into consideration ground water levels.
- Where infiltration is not viable, the scheme should be limited discharging rates to 12.12l/s for all storm events up to and including 1 in 100 year rate plus 40% allowance for climate change. All relevant permission 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 calculation 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 routs, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8** 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 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 9** Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance

activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. 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.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

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

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) the parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- m) M) routing strategy for construction vehicles

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

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: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

- 12** No development approved by this permission shall take place until the following has been submitted to an approved in writing by the Local Planning Authority:

A Phase 2 Site Investigation based on the findings of the Phase 1 Desk Assessment.

A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS 10175:2011 or other appropriate guidance issued by regulatory authorities. The work shall be sufficient to ensure that measure will be taken to mitigate any risks to human health, groundwater and the wider environment.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 13** A detailed scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic submitted to an approved in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environment are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 2300

Resting – Living Room 35db

Dining – Dining room/area 40db

Sleeping/Daytime Resting – Bedroom 35db

23:00 to 07:00

Sleeping/Nigh time Bedroom 35db

External areas shall be designed and located to ensure that amenity space areas are protected on all boundaries as to not exceed 50db. If a threshold level relaxation to 55db is required for external areas, full justification and explanation should be provided.

The dwellings shall not be occupied until such a scheme has been implemented in accordance with the approved details, and as shown to be effective, and is shall be retained in accordance with those details thereafter.

REASON: To ensure future occupiers enjoy a good acoustic environment in accordance with Policy ENV10 of the Adopted Local Plan which requires appropriate noise mitigation and sound proofing to noise sensitive developments.

- 14** All mitigation and enhancement 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.

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

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 15** A Biodiversity Net Gain Design State Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to an approved in writing by the Local Planning Authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain Report should include the following:

- a) Baseline data collection and assessment of current conditions on site.
- b) A commitment to measure in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
- c) Provision of the full BNG calculations, with detailed justification for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality.

- d) Details of any off-site provision to be secured by a planning obligation
- e) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF (2021) and in accordance with Policy GEN7 of the Adopted Local Plan.

16 A Skylark Mitigation Strategy shall be submitted to and approved by the Local Planning Authority to compensate the loss of any Skylark territories. The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark plots.
- b) Detailed methodology for Skylark plots following Agri-Environment Scheme option.
- c) Locations of the Skylark plots by appropriate maps/or plans.
- d) Persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum of 10 years.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

17 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.

- h) Details of initial aftercare and long-term maintenance of Receptor area(s).
- i) Details of monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Persons responsible for implementing the enhancement measures;
- f) Details of initial aftercare and long-term maintenance (where relevant).

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

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

19 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

- 20** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 21** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- the parking of vehicles of site operatives and visitors,

- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- routing strategy for construction vehicles
- before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22** Prior to occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing Proposed Site Access Dwg Ref: 22268-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 23** Prior to the first occupation of the development, the pedestrian/cycle access of minimum effective width of 3.5m as shown in principle in drawing number 22268-04-02, including a clear ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To provide connectivity and ensure that pedestrians and cyclists can entre and leave the existing public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 24** Prior to the first occupation, the following infrastructure shall be provided. All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to

facilitate widening and traffic regulation orders to be carried out entirely at the developer's expense.

- a) A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For avoidance of doubt, such footway to include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority.
- b) Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N which shall comprise (but not limited to) the following facilities; shelter, seating, raised kerbs, bus stop markings, poles and flag type signs, timetable casings.
- c) Provision of a scheme to improve the safety of pedestrian and cyclists on Station Road including signage and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road.
- d) Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number Ref: 22268-04.

REASON: In the interests of highway safety, reducing the need to travel by car, and promoting sustainable development and transport in accordance with policies DM9 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 25** Prior to the first occupation, the developer shall provide pedestrian and cycle accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the Local Planning Authority in conjunction with Essex County Council.

REASON: To provide controlled access to the Flitch Way and improve accessibility of the site by walking and cycling and to protect it from uncontrolled use and damage in accordance with Policies GEN1, GEN7 and ENV7 of the Adopted Local Plan and the National Planning Policy Framework.

- 26** The layout of the development will be such that no gardens back on to the Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development.

REASON: To protect the Flitch Way from uncontrolled use, littering and damage in accordance with Policies GEN1, GEN2, ENV7 and GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27** Prior to the occupation of the dwellings hereby approved, the treatment and surfacing of the Public Right of Ways (PRoW) within the site to be agreed with the Local Planning Authority. The agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route.

REASON: To protect the PRoW network within land under control of the applicant in accordance with GEN1, of the Adopted Local Plan and the National Planning Policy Framework.

- 28** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 29** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved scheme.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 30** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 26 and confirmed by the Local Planning Authority

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 31** A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

32 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

33 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

34 Prior to the construction of the development hereby approved, a Bird Hazard Management Plan shall be submitted and approved by the Local Planning Authority. The Plan should include details of landscaping, especially open /public spaces and SuDS, and measures in how birdstrike avoidance is undertaken during both the construction period and in perpetuity.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

35 All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

36 No reflective materials to be used in the construction of the new buildings and no solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be required.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the NPPF.

37 The proposed development hereby approved shall be constructed in accordance with the Sustainability and Energy Statement prepared by Turley (November 2021) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

Appendix 1 – Statutory Consultee Responses

ECC Highways

Your Ref: UTT/21/3596
Our Ref: HT/TPD /SD/KW/49889/4B
Date:- 30/05/2022



Essex County Council

Andrew Cook
Director for Highways and Transportation

CC: Cllr Martin Foley
Essex Highways DM

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/21/3596/OP

Applicant Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes C/o
Armstrong Rigg Planning

Site Location Moors Fields Station Road Little Dunmow

Proposal 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)

Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

It is noted that the location of the site is such that access to key facilities, employment and leisure opportunities is limited and the speed limit of 40mph on the road makes cycling less attractive (LTN1/20 recommends an off road facility for this speed of road) and for the vast majority of journeys the only practical option will be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

The potential impact of the trips generated by the proposal has been assessed and while there is some impact on the at the village centre and the junction with the B1256 this is not considered severe. The most appropriate mitigation is considered to be improving the walking, cycling and public transport links to the site.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- I. the parking of vehicles of site operatives and visitors,
- II. loading and unloading of plant and materials,
- III. storage of plant and materials used in constructing the development,
- IV. wheel and underbody washing facilities.
- V. Routing strategy for construction vehicles
- VI. Protection of any public rights of way within or adjacent to the site
- VII. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

1. **Access** Prior to first occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing 22263-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. **Pedestrian and cycle access:** Prior to first occupation of the development, the pedestrian/cycle access of minimum effective width 3.5m as shown in principle in drawing number 22268-04-02, including a clear to ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. **Reason:** To provide connectivity and ensure that pedestrians and cyclists can enter and leave the highway with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. **Highway infrastructure:** Prior to first occupation the following infrastructure shall be provided All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense.

- 3.1. A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For the avoidance of doubt such footway to include full depth construction/reconstruction of any existing footway

and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority

- 3.2. Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle on drawing number 03/001/N which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
- 3.3. Provision of a scheme to improve the safety of pedestrians and cyclists on station road including signing and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road
- 3.4. Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number 22268-04-3.

Reason: In the interests of highway safety, reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

4. **Bus services** Prior to first occupation payment of a financial contribution of £416,000 (indexed from the 1st of April 2022) to fund improvements to enhance bus services between the development and local amenities and/or key towns such as Great Dunmow, and/or Chelmsford improving the frequency, quality and/or geographical cover of bus routes servicing the site. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
5. **Flitch Way contribution:** Prior to first occupation a sum £206,720 (indexed from the 1st of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site and to provide a contribution to the design and implementation of a bridge (known as Cherry Garden Bridge) and walking cycling connections to the Flitch Way to help provide a continuous off road route to Great Dunmow. **Reason:** to mitigate the increased use of the Flitch Way by the residents of the development and improve the accessibility of the site by walking and cycling
6. **Flitch Way Access:** Prior to first occupation the developer to provide pedestrian and cycling accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC. **Reason:** to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage.
7. **Flitch Way Protection:** The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development. **Reason:** to protect the Flitch Way from uncontrolled use, littering and damage
8. **Public Rights of Way:** Prior to commencement the treatment and surfacing of PROWs within the site to be agreed with the planning authority, the agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route and to be

implemented prior to occupation. Reason – protection of PROW network within land under control of the applicant

9. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
10. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1596 (index linked), to be paid to Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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

Informatives:

- (i) OUT LINE ONLY In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (iii) 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 for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iv) 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 or by post to SMO2 -

Highways England

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 4 April 2022
Name: Mark Norman	Position: Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to UTT/ 21/3311/OP and has been prepared by Mark Norman.

We have completed our review and concluded that this application is unlikely to have a severe impact upon the strategic road network. However, it is noted that there are several applications of similar size in the area and the cumulative impact may start to be noticed as the network is very close to capacity

Flooding Authority

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



William Allwood
Uttlesford District Council
Planning Services

Date: 25th Feb 2022
Our Ref: SUDS-005636
Your Ref: UTT/21/3311/OP

Dear William Allwood,

Consultation Response – UTT/21/3311/OP – Land West Of Garnetts Dunmow Road Takeley

Thank you for your email 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 for planning application UTT/21/3311/OP 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:

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any

marginal flooding is predicted then it should be directed away from the building using appropriate site grading.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

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>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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,

Rohit Singh, Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk

Historic England



Historic England

Mr William Allwood
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: [REDACTED]

Our ref: W: P01445895

29 November 2021

Dear Mr Allwood

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND WEST OF GARNETTS, DUNMOW ROAD, TAKELEY, ESSEX
Application No. UTT/21/3311/OP**

Thank you for your letter of 10 November 2021 regarding the above application for outline planning permission with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure.

Further to our EIA Scoping Opinion response of July 2021 and having considered the documentation submitted with the application, we are satisfied that the setting of the grade I listed Holy Trinity Church has been appropriately addressed.

We do not wish to offer any other additional comments.

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Sheila Stones
Inspector of Historic Buildings and Areas
E-mail [REDACTED]



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 682749
[REDACTED]



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Natural England

Date: 08 December 2021
Our ref: 374873
Your ref: UTT/21/3311/OP



William Allwood, c/o planning@uttlesford.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Allwood

Planning consultation: UTT/21/3311/OP Outline planning application with all matters reserved, for up to 155 dwellings, public open space, children's play area, land retained in agricultural use, landscaping and associated infrastructure.

Location: Land west of Garnetts, Dunmow Road, Takeley

Thank you for your consultation on the above dated 08 November 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zoi) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified Zoi for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured.

Further advice on mitigation

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zoi) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this Zoi. New residential housing within this Zoi therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the Zoi to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24th September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28th June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust.

We would take this opportunity to highlight your authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy ENV7 refers to the protection of the Natural Environment and designated sites. The policy states that "Development proposals that adversely affect areas of nationally important nature concerns, such as Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site or reserve...".

On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

SITE SPECIFIC ASSESSMENT

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

For areas of green infrastructure, we would generally advise that these should include elements, such as the following:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of >2.7 km and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/leaflets to householders to promote these areas for recreation
- Dog waste bins etc

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been developed. As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been identified, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

Natural England therefore advises that permission should not be granted until such time as these mitigation measures have been assessed and secured through the appropriate means. We would be happy to comment further as the need arises.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and your biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process.

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.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society) and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

This concludes Natural England's advice at this stage which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me at:
tessa.lambert@naturalengland.or.uk

Please consult us again once the information requested above, has been provided.

Yours sincerely

Tessa Lambert
Lead Advisor – Sustainable Development, West Anglia Team

Sports England

From: [Planning Central](#)
To: [Planning](#)
Subject: [External] UTT/21/3311/OP - Land West Of Garnetts Dunmow Road Takeley CM22 6RL
Date: 11 November 2021 09:25:17

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

[REDACTED]

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

[REDACTED]

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: [REDACTED]

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

Yours sincerely,

Planning Administration Team

Planning.central@sportengland.org

ECC Infrastructure

Essex County Council
Planning and Development
CG05, County Hall
Chelmsford
Essex CM1 1QH



Uttlesford District Council
Old Hospital Building, London Road
Saffron Walden
Essex
CB11 4ER

Our ref: 49554
Your ref: UTT/21/3311/OP
Date: 05/02/2022

Dear Sir or Madam

Garnetts (west of), Takeley
Without Prejudice - UTT/21/3311

Thank you for providing details of the above planning application for up to 88 new homes. From the information I have received, I have assessed the application on the basis of 155 houses. Assuming all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 13.95 Early Years and Childcare (EY&C) places; 46.50 primary school, and 31.00 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

An additional 13.95 places would be provided at an estimated total cost of £240,888.60 at January 2020 prices. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £240,888.60, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

Primary Education:

The nearest primary school serving this development would be Roseacres Primary school, which has a Published Admission Number of 30 pupils per year. As at October 2021, the school was full in Reception with a total of 212 pupils on roll. Roseacres is grouped with Takeley Primary School for pupil place planning purposes (Uttlesford Group 08). Although Takeley Primary currently has some surplus capacity, it is anticipated that this will be taken by pupils from other housing developments that either have permission or are advanced in the planning process. Of particular relevance is Warish Hall Farm (UTT/21/1987), which is expected to generate around eight extra pupils per year and provide sufficient land to allow Roseacres Primary School to become a two form entry school.

The estimated cost of the project is £802,962.00 at January 2020 costs. This equates to £17,268.00 per place and so, based on demand generated by this proposal as set out

above, a developer contribution of £802,962.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School. Although the school is not currently full, there are already more Essex children for whom this is their closest option than there are places. The school has recently increased its Published Admission Number from 112 to 132 but our latest forecasts suggest that action may be required, around 2026, to add further capacity.

The estimated cost of the project is £737,025.00 at January 2020 costs. This equates to £23,775.00 per place and so, based on demand generated by this proposal as set out above, a developer contribution of £737,025.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

School Transport:

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Libraries:

Essex County Council may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of a local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £12,059.00 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of

surplus childcare, primary education, secondary education, and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

Yours faithfully

Elliott Moore
Infrastructure Planning Officer

Telephone
E-mail



Our Ref: WECCG/UTT/21/3311/GR
Your Ref: UTT/21/3311/OP

Building 4
Spencer Close
St Margaret's Hospital
The Plain
Epping
Essex
CM16 6TN

Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Tel: 01992 566140

9 February 2022

Dear Sir/Madam

Address: Land West Of Garnetts Dunmow Road Takeley

Proposal: Outline planning application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure

1.0 Introduction

- 1.1 Thank you for consulting West Essex Clinical Commissioning Group (CCG) on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of West Essex Clinical Commissioning Group (CCG), incorporating NHS England Midlands and East (East) (NHS England).

2.0 Existing Healthcare Position Proximate to the Planning Application Site

- 2.1 The proposed development is likely to have an impact on the service of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.
- 2.2 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

- 3.1 West Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development.

- 3.2 A Healthcare Impact Assessment has been prepared by West Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 388 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
The Eden Surgeries	10,165	621.92	9,070	-75.11
Total	10,165	621.92	9,070	-75.11

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
 2. Current Net Internal Area occupied by the Practice
 3. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 4. Based on existing weighted list size
- 4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.0 Healthcare Needs Arising From the Proposed Development

- 5.1 The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.
- 5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and ICS estates strategies, by way of extension, refurbishment

or reconfiguration for the benefit of the patients at the Eden Surgeries, a proportion of the cost of which would need to be met by the developer.

- 5.3 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals

	Additional Population Growth (155 dwellings) ⁵	Additional floorspace required to meet growth (m ²) ⁶	Spare Capacity (NIA) ⁷	Capital required to create additional floor space (£) ⁸
The Eden Surgeries	388	26.61	-75.11	79,830
Total	388	26.61	-75.11	79,830

Notes:

5. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
 6. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 7. Existing capacity within premises as shown in Table 1
 8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost index, adjusted for professional fees, fit out and contingencies budget (£3,000/m²).
- 5.4 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£79,830**. Payment should be made before the development commences.
- 5.5 West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- 6.0 Conclusions**
- 6.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.



West Essex
Clinical Commissioning Group

- 6.3 Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.4 The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.
- 6.5 West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.
- 6.6 West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Yours faithfully



Geoff Roberts
Assistant Director - Estates and IT Development
West Essex Clinical Commissioning Group

APPENDIX 2. OUTLINE APPLICATION DECISION NOTICE



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510550
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Mr G Armstrong
Armstrong Rigg Planning
The Exchange
Colworth Science Park
Sharnbrook
Bedford
MK44 1LZ

Dated: 2 March 2023

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/21/3596/OP

Applicant: Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes

Uttlesford District Council **Grants Permission** for:

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) at Moors Fields Station Road Little Dunmow Essex

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
07A	Location Plan	10/12/2021
3202E	Other	02/03/2022
3501 H	Other	02/03/2022
EDP6755_D007C	Other	02/03/2022
TRANSPORT ASSESSMENT	Other	10/12/2021

Permission is granted with the following conditions:

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

- 4 The development shall be carried out in accordance with the following approved plans: Site Location Plan Dwg Ref: 07a & Proposed Site Access Dwg Ref: 22268-04 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality, street scene and highway safety in accordance with Polices S7, GEN1, GEN2 of the Adopted Local Plan and the NPPF.

- 5 The location of the built development shall be carried out in general accordance with the Development Framework Plan Dwg Ref: 3501H unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and street scene in accordance with Polices S7, GEN2 of the Adopted Local Plan and the NPPF.

- 6 The development hereby approved shall be constructed in accordance with the details as set out within the 'Design Code' (November 2022) prepared by Catesby Estates Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a high-quality development and place making is achieved when applications for reserve matters are submitted in accordance with Policy GEN2 of the Adopted Local Plan and the NPPF.

- 7 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and

approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Verification of the suitability of infiltration of surface water for the development. We would expect to see further testing undertaken in winter to reflect the most conservation management. This should be based on detailed 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. Designing for infiltration should also take into consideration ground water levels.
- o Where infiltration is not viable, the scheme should be limited discharging rates to 12.12l/s for all storm events up to and including 1 in 100 year rate plus 40% allowance for climate change. All relevant permission to discharge from the site into any outfall should be demonstrated.
- o 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.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- o Final modelling and calculation for all areas of the drainage system.
- o 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.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8 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 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 9 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. 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.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 11 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of plant and materials used in constructing the development
 - c) Details of any highway works necessary to enable construction to take place
 - d) the parking of vehicles of site operatives and visitors,
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
 - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
 - l) wheel and underbody washing facilities.
 - m) M) routing strategy for construction vehicles

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

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: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

- 12 No development approved by this permission shall take place until the following has been submitted to an approved in writing by the Local Planning Authority:

A Phase 2 Site Investigation based on the findings of the Phase 1 Desk Assessment.
A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS 10175:2011 or other appropriate guidance issued by regulatory authorities. The work shall be sufficient to ensure that

measure will be taken to mitigate any risks to human health, groundwater and the wider environment.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 13 A detailed scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic submitted to an approved in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environment are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 2300

Resting - Living Room 35db

Dining - Dining room/area 40db

Sleeping/Daytime Resting - Bedroom 35db

23:00 to 07:00

Sleeping/Nigh time Bedroom 35db

External areas shall be designed and located to ensure that amenity space areas are protected on all boundaries as to not exceed 50db. If a threshold level relaxation to 55db is required for external areas, full justification and explanation should be provided.

The dwellings shall not be occupied until such a scheme has been implemented in accordance with the approved details, and as shown to be effective, and is shall be retained in accordance with those details thereafter.

REASON: To ensure future occupiers enjoy a good acoustic environment in accordance with Policy ENV10 of the Adopted Local Plan which requires appropriate noise mitigation and sound proofing to noise sensitive developments.

- 14 All mitigation and enhancement 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.

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

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 15 A Biodiversity Net Gain Design State Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to an approved in writing by the Local Planning Authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain Report should include the following:
- a) Baseline data collection and assessment of current conditions on site.
 - b) A commitment to measure in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
 - c) Provision of the full BNG calculations, with detailed justification for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality.
 - d) Details of any off-site provision to be secured by a planning obligation
 - e) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF (2021) and in accordance with Policy GEN7 of the Adopted Local Plan.

- 16 A Skylark Mitigation Strategy shall be submitted to an approved by the Local Planning Authority to compensate the loss of any Skylark territories. The content of the Skylark Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed Skylark plots.
 - b) Detailed methodology for Skylark plots following Agri-Environment Scheme option.
 - c) Locations of the Skylark plots by appropriate maps/or plans.
 - d) Persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum of 10 years.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 17 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.

- h) Details of initial aftercare and long-term maintenance of Receptor area(s).
- i) Details of monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Persons responsible for implementing the enhancement measures;
- f) Details of initial aftercare and long-term maintenance (where relevant).

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

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

- 19 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

- 20 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 21 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- o the parking of vehicles of site operatives and visitors,
- o loading and unloading of plant and materials,
- o storage of plant and materials used in constructing the development,
- o wheel and underbody washing facilities.
- o routing strategy for construction vehicles
- o before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22 Prior to occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing Proposed Site Access Dwg Ref: 22268-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy

DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 23 Prior to the first occupation of the development, the pedestrian/cycle access of minimum effective width of 3.5m as shown in principle in drawing number 22268-04-02, including a clear ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To provide connectivity and ensure that pedestrians and cyclists can enter and leave the existing public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 24 Prior to the first occupation, the following infrastructure shall be provided. All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and traffic regulation orders to be carried out entirely at the developer's expense.

- a) A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For avoidance of doubt, such footway to include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority.
- b) Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N which shall comprise (but not limited to) the following facilities; shelter, seating, raised kerbs, bus stop markings, poles and flag type signs, timetable casings.
- c) Provision of a scheme to improve the safety of pedestrian and cyclists on Station Road including signage and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road.
- d) Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number Ref: 22268-04.

REASON: In the interests of highway safety, reducing the need to travel by car, and promoting sustainable development and transport in accordance with policies DM9 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 25 Prior to the first occupation, the developer shall provide pedestrian and cycle accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the Local Planning Authority in conjunction with Essex County Council.

REASON: To provide controlled access to the Flitch Way and improve accessibility of the site by walking and cycling and to protect it from uncontrolled use and damage in

accordance with Policies GEN1, GEN7 and ENV7 of the Adopted Local Plan and the National Planning Policy Framework.

- 26 The layout of the development will be such that no gardens back on to the Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development.

REASON: To protect the Flitch Way from uncontrolled use, littering and damage in accordance with Policies GEN1, GEN2, ENV7 and GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27 Prior to the occupation of the dwellings hereby approved, the treatment and surfacing of the Public Right of Ways (PRoW) within the site to be agreed with the Local Planning Authority. The agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route.

REASON: To protect the PRoW network within land under control of the applicant in accordance with GEN1, of the Adopted Local Plan and the National Planning Policy Framework.

- 28 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 29 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved scheme.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 30 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 26 and confirmed by the Local Planning Authority

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 31 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 32 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 33 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 34 Prior to the construction of the development hereby approved, a Bird Hazard Management Plan shall be submitted and approved by the Local Planning Authority. The Plan should include details of landscaping, especially open /public spaces and SuDS, and measures in how birdstrike avoidance is undertaken during both the construction period and in perpetuity.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

- 35 All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

- 36 No reflective materials to be used in the construction of the new buildings and no solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be required.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the NPPF.

- 37 The proposed development hereby approved shall be constructed in accordance with the Sustainability and Energy Statement prepared by Turley (November 2021) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
NPPF4 - National Planning Policy Framework July 2021		
S7 - The Countryside	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV4 - Ancient Monuments and Site of Archaeological Importance	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV5 - Protection of agricultural land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV7 - The protection of the natural environment designated sites	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV8 - Other landscape elements of importance for nature	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

ENV10 - Noise sensitive development and disturbance from aircraft	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV11 - Noise generators	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H9 - Affordable Housing	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H10 - Housing Mix	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

Notes:

- 1 The local planning authority has worked with the applicant in a positive and proactive manner in determining this application.

- 2 -This permission does not incorporate Listed Building Consent unless specifically stated. - The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.-The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.-The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).- It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.-Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.-Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people. -If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority. -Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river. -If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the

provisions of Part VI of the Town and Country Planning Act 1990.-Working in close proximity to live overhead lines:The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at <http://www.ukpowernetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines"UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.Appeals to the Secretary of State-If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.-The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.-The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. - If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

- 3 This Decision Notice must be read in conjunction with an Obligation made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.



Dean Hermitage
Director Planning

APPENDIX 3. OUTLINE APPLICATION SECTION 106 AGREEMENT

DATED 28th February 2023

(1) UTTLESFORD DISTRICT COUNCIL

(2) ESSEX COUNTY COUNCIL

(3) [REDACTED]

and

(4) GATESBY LAND AND PLANNING LIMITED

SECTION 106 AGREEMENT

Relating to the development of land at Moors Field, Station Road,
Little Dunmow, Essex pursuant to planning application reference UTT/21/3596/OP

Peter Holt
Chief Executive
UTT/ 21/3596/OP



Examined alongside the original & certified to
be a true copy thereof.

[REDACTED]
Solicitor, Saffron Walden

THIS DEED is made on

28th February

2023

BETWEEN

1. **UTTLESFORD DISTRICT COUNCIL**, of Council Offices, London Road, Saffron Walden, Essex CB11 4ER (the "Council")
2. **ESSEX COUNTY COUNCIL**, of County Hall, Market Road, Chelmsford CM1 1QH (the "County Council")
3. [REDACTED] (the "Owners") and
4. **CATESBY LAND AND PLANNING LIMITED** (Scottish Company Number SC275580) whose registered office is at 4th floor, 115 George Street, Edinburgh EH2 4JN (the "Promoter")

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the 1990 Act for the administrative area in which the Property is situated.
- (B) The County Council is the local planning authority the local authority for statutory age education and pre-statutory age education and childcare and the highway authority for the county in which the Property is situated. The County Council is also the local library authority for the provision of library services under the 1964 Act and the County Council is required to provide a comprehensive and efficient service for all persons resident working or studying in in the area in which the Property is located.
- (C) The Owners are the freehold proprietors of the Property registered at HM Land Registry under Title Number EX815281 subject to the promotion agreement in favour of the Promoter but otherwise free from encumbrances.
- (D) The Promoter has made the Planning Application in relation to the Development.
- (E) The Council has resolved to grant outline planning permission with all matters reserved save for means of access from Station Road.
- (F) The parties agree that in the event that Planning Permission is granted the Property should be bound by the planning obligations relating to the Development contained in this deed.

The parties agree as follows:

1 DEFINITIONS AND INTERPRETATION

1.1 In this deed, unless the context requires otherwise, the following definitions apply:

"1980 Act"	means The Highways Act 1980
"1964 Act"	means the Public Libraries & Museums Act 1964
"1982 Act"	means the Local Government (Miscellaneous Provisions) Act 1982;
"1990 Act"	means the Town and Country Planning Act 1990;

"2011 Act"	means the Localism Act 2011
"Affordable Housing"	means subsidised housing within the definition of affordable housing contained in Annex 2 of the NPPF that will be available to persons who cannot afford to buy or rent housing generally available on the open market
"Affordable Housing Land"	means the land on which the Affordable Housing Units will be constructed in accordance with the Planning Permission
"Affordable Housing Units"	means the units of accommodation to be constructed on the Affordable Housing Land for persons unable to compete for housing on the open market
"Affordable Rented Units"	means rented housing provided by an Approved Body that has the same characteristics as social rented housing except that it is outside the national rent regime but is subject to other rent controls that require it to be offered to those in identified housing need at a rent of up to 80% of local market rents inclusive of service charges where applicable
"Allocations Policy"	means the Council's Allocations Policy dated June 2021 (an extract of which is appended at Annex B) or any subsequent Allocations Policy replacing the policy of June 2021
"Annual Traffic Counts"	means the collection of travel data from all entry and exit points to the Development including pedestrian and cycle routes leading to a service or amenity where a lower traffic generation rate has been agreed based on the fact that there will be travel planning measures in place to reduce the modal share travelling by car;
"Approved Body"	means any registered provider registered with Homes England or successor organisation, any body organisation or company which is a registered charity with the Charity Commissioners for England and Wales and approved by Homes England or any other body organisation or company approved by the Council and which has objects demonstrably similar to or compatible with or promoting those of a registered social landlord
"Base Rate"	means the base rate from time to time of the Bank of England
"Bus Services Contribution"	means the sum of £416,000 (four hundred and sixteen thousand pounds sterling) to which sum the Relevant Transport Indexation shall be added
"Bus Services Contribution Purposes"	means the use of Bus Services Contribution to fund improvements to enhance bus services between the development and local amenities and/or key towns such as

	Great Dunmow, and/or Chelmsford improving the frequency, quality and/or geographical cover of bus routes servicing the Property.
"Certificate of Practical Completion"	means a certificate issued by the County Council under the relevant Highways Agreement or such other certificate as may be issued pursuant to the Highways Agreement to evidence that the Highway Works have been completed
"Cluster"	means a group of Affordable Housing Units which does not have contiguous boundaries with another group of Affordable Housing Units
"Completion Notice"	means the notice served by the Owners on the County Council pursuant to clause 4.1.5
"County Contribution"	means each of the Bus Services Contribution, the Flitch Way Contribution, the Libraries Contribution, the Early Years & Childcare Contribution, the Primary Education, and the Secondary Education Contribution and "County Contributions" shall mean all of them collectively
"County Council Monitoring Fee"	Means the fee of £550 (five hundred and fifty pounds sterling) per obligation due under this deed and for the avoidance of doubt this is a total of (four thousand four hundred Pounds sterling) (no VAT) towards the County Council's reasonable and proper administration costs of monitoring the performance of the planning obligations that the Owners are required to observe and perform pursuant to the terms of this deed.
"Default Interest Rate"	means 4% per annum above the Base Rate
"Designated Protected Area"	means an area designated under The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 and which is subject to restrictions on staircasing of Shared Ownership Units in Homes England's capital funding guide
"DPA Waiver"	means a waiver issued by Homes England (or any other body with power to issue such a waiver) which would have the effect of waiving Designated Protected Area grant funding conditions applied by Homes England in relation to staircasing ownership of Shared Ownership Units in respect of all or part of the Property
"Development"	means the development of the Property authorised by the Planning Permission
"Early Years and Childcare Contribution"	means the Early Years and Childcare Pupil Product multiplied by the cost generator £20,508.00 (twenty thousand five hundred and eight pounds sterling)

<p>"Early Years and Childcare Purposes"</p>	<p>means the use of the Early Years and Childcare Contribution for the design (including feasibility work) and/ or provision of education facilities for the education and/or care of children between the ages of 0 to 5 (both inclusive) including those with special educational needs within Uttlesford and or within a three (3) mile radius of the Development and the including the reimbursement of capital funding for such provision made by the County Council in anticipation of the Early Years and Childcare Contribution</p>
<p>"Early Years and Childcare Pupil Product"</p>	<p>means the sum of the Qualifying Flats multiplied by 0.045 plus the Qualifying Houses multiplied by 0.09</p>
<p>"Education Contribution"</p>	<p>means the Early Years and Childcare Contribution and the Primary Education Contribution and the Secondary Education Contribution to which sums the Relevant Education Indexation shall be added</p>
<p>"Education Index"</p>	<p>means the Department for Business Innovation and Skills Tender Price Index of Public Sector Building Non-housing (PUBSEC Index) or in the event that the PUBSEC Index is no longer published or the calculation method used is substantially altered then an appropriate alternative index nominated by the County Council</p>
<p>"Education Index Point"</p>	<p>means a point on the most recently published edition of the Education Index at the time of use</p>
<p>"Education Purposes"</p>	<p>means the Early Years and Childcare Purposes and the Primary Education Purposes and the Secondary Education Purposes</p>
<p>"Eligible Person"</p>	<p>means a person or persons considered by the Approved Body to be in need of an Affordable Housing Unit who is unable to compete in the normal open market for property in the District of Uttlesford ("the District") and who (or one of whom)</p> <ul style="list-style-type: none"> • has lived continuously in the District for the last 3 years and/or • either lives outside the District or has lived in the District for less than 3 years but has immediate family members who have lived in the District for the last 5 years and in respect of whom he is receiving or giving substantial ongoing support that cannot be provided from outside the District and/or • lives outside the District but has been permanently employed in the District for a minimum of 3 years and works at least 24 hours a week

	FOR THE AVOIDANCE OF DOUBT this is not a sequential test and if there are two or more persons who qualify for an Affordable Housing Unit in accordance with one or more of the above criteria the person to be allocated the Affordable Housing Unit shall be chosen in accordance with the Allocation Policy Bands A B C D and E sequentially as shown in the extract from the Allocations Policy appended at Annex B
"Flat"	means a Residential Dwelling that occupies a single floor and /or does not benefit from private open space for the exclusive use of the residents of the Residential Dwelling and no other persons
"Flitch Way Contribution"	means the sum of £206,720 (two hundred and six thousand seven hundred and twenty pounds sterling) and to be used for the Flitch Way Contribution Purposes, to which sum the Relevant Highway Indexation shall be added
"Flitch Way Contribution Purposes"	means the use of the Flitch Way Contribution to provide appropriate surfacing and drainage, signage and information boards on the Flitch Way in the vicinity of the Property and to provide a contribution to the design and implementation of a bridge (known as Cherry Garden Bridge) and walking cycling connections to the Flitch Way to help provide a continuous off road route to Great Dunmow
"Framework Residential Travel Plan"	means the travel plan appended at Part 5 of Schedule 4
"General Index"	means the Consumer Price Index (CPI) or in the event that the CPI is no longer published or the calculation method used is substantially altered then an appropriate alternative index nominated by the County Council
"General Index Point"	means a point shown on the General Index indicating a relative cost at a point in time
"Hatfield Forest Financial Contribution"	means the payment of £27,000 pounds sterling towards botanical and visitor monitoring and mitigation works at Hatfield Forest
"Help To Buy Agent (South)"	means the zone agent (or successor organisation) keeping a register of persons seeking shared ownership dwellings for Essex
"Healthcare Facility Contribution"	means the sum of £92,545 pounds sterling payable to the NHS West Essex Clinical Commissioning Group and to be used for the Healthcare Facility Contribution Purpose

<p>"Healthcare Facility Contribution Purpose"</p>	<p>means the improvement, extension, refurbishment or reconfiguration of the Angel Lane Surgery and the John Tasker House Surgery (or any successor surgeries covering the same catchment areas as the said the Angel Lane Surgery and the John Tasker House Surgery) to mitigate impacts arising from the Development</p>
<p>"Highway Contributions"</p>	<p>means the Flitch Way Contribution and the Bus Service Contribution</p>
<p>"Highway Index"</p>	<p>means the Department for Business Innovation and Skills Price Adjustment Formulae Indices (Civil Engineering) Series 2 (BIS) or in the event that the BIS is no longer published or the calculation method used is substantially altered then an appropriate alternative index nominated by the County Council</p>
<p>"Highway Works"</p>	<p>means the following highway works:</p> <ul style="list-style-type: none"> (a) the provision of a footway of 2m (two metres) width along the south-western side of Station Road along the Property frontage connecting to the existing footway at either end and for the avoidance of doubt such footway shall include full depth construction and or reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority and or the County Council as local highway authority; (b) the enhancement of bus stops to the north of the Property on either side of Station Road as shown in principle on drawing number 03/001/N which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings; (c) the provision of a scheme to improve the safety of pedestrians and cyclists on station road including signing and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road; (d) the provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number 22268-04-3; and <p>and including any necessary alterations to and reinstatements of existing highways and statutory undertakers equipment to the provision of or alteration to street lighting road signs drainage structures traffic signals related accommodation and any other works normally</p>

	associated with the construction of a highway or required as a result of the County Council's inspections
"Highway Works Agreement"	<p>means an agreement entered into pursuant to all powers enabling the parties to regulate the carrying out of the Highway Works (in particular Sections 38 and 72 and 278 of the 1980 Act and Section 33 of the 1982 Act) and shall include but not be limited to the following matters</p> <p>(a) securing of a bond (or other form of security) to ensure that third party funds are available to complete the Highway Works to the satisfaction of the County Council</p> <p>(b) payment of the County Council's works inspection fees maintenance fees special orders fees supervision fees and any other such fees as the County Council shall reasonably require</p> <p>(c) payment of the County Council's legal administrative and other fees and disbursements associated with the drafting negotiating and completion of the Highway Works Agreement</p> <p>(d) preparation and advance approval of works drawings and traffic management measures</p> <p>(e) certification and maintenance of the Highway Works</p> <p>(f) regulating of the issue of the Works Licence to enable the Highway Works to be carried out</p> <p>(g) the securing of a bond (or other form of security) relating to both Land Compensation Act 1973 matters and Noise Insulation Regulations 1975 as amended by the Noise Insulation (Amendment) Regulations 1988 (SI 1988/2000) and any other indemnity and bonds for liability issues as the County Council shall require</p> <p>(h) the dedication of land as public highway</p> <p>(i) the standards and procedures for carrying out the Highway Works</p> <p>(j) traffic regulation orders and statutory processes</p>
"Highway Works Drawing"	means the drawing references to the Highway Works as set out in Part 3 of Schedule 4
"Homes England"	means the body that funds and regulates Affordable Housing providers and such expression shall include successors to the functions and powers of Homes England

"House"	means a Residential Dwelling that does not meet the definition of a Flat
"Implementation"	<p>means the carrying out in relation to the Development of any material operation as defined by section 56(4) of the 1990 Act 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations:</p> <ul style="list-style-type: none"> (a) demolition works (b) site clearance (c) ground investigations (d) site survey works (e) temporary access construction works; (f) archaeological investigations; and (g) erection of any fences and hoardings around the Property <p>and "Implement" and "Implemented" shall mutatis mutandis be construed accordingly</p>
"Implementation Date"	means the date specified by the Owners to the Council and the County Council in a written notice served upon the Council and the County Council as the date upon which the Development authorised by the Planning Permission is to be Implemented or if no such notice is served the date of Implementation
"Index Linked"	means the change in any sum payable by an amount equal to a change in the General Index
"Index Point"	means a point shown on the relevant index indicating a relative cost at a point in time
"Library Contribution"	Means the sum of seventy-seven pounds and eighty pence (£77.80) per Residential Dwelling to which sum the Relevant Library Indexation shall be added
"Library Contribution Purposes"	means the use of the Library Contribution towards the upgrading of existing facilities at local libraries serving the Development to include, but not limited to, additional furniture, technology and stock
"Library Index"	means the General Index
"Local Area of Play"	means an equipped local area of play to be provided as part of the Development

"Management Company"	means a company body or other entity responsible for the long-term management and maintenance of Open Space and/or other building and facilities and may include a residents' association established for this purpose
"Market Housing Units"	means any Residential Dwelling forming part of the Development which is general market housing for sale on the open market and which is not an Affordable Housing Unit
"Necessary Highway Consents"	means any by-law approvals, and other consents, licences, permissions and orders required from any competent authority, statutory undertaker or person for the carrying out of the Highway Works
"Nominated Person"	means a person or persons nominated in accordance with the Nominations Agreement appended at Annex A by the Council from their housing register or by the Help to Buy Agent (South) to be offered an Affordable Housing Unit by an Approved Body
"Nominations Agreement"	means an agreement between the Council and an Approved Body (a copy of which is appended at Annex A) setting out the selection and prioritisation of tenants and occupiers of the Affordable Rented Units in accordance with the Allocations Policy
"Notice of Implementation"	means the written notice served pursuant to clause 4.1.3
"NPPF"	means the National Planning Policy Framework published by the Ministry of Housing, Communities and Local Government and dated July 2021 or any replacement statement guidance note or circular which may amend, supplement or supersede it
"Occupation"	means the physical use of land or buildings for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction or fitting out, or occupation for marketing or display, or occupation in relation to security operations and "Occupy", "Occupied" and "Occupier" shall be construed accordingly
"Open Space"	means the areas of public open space and landscaping to be provided as part of the Development including the Local Area of Play to be made freely available for recreational, general amusement and incidental use
"Open Space Commuted Sum"	means a sum to be calculated by the Council for the maintenance of the Open Space for fifteen (15) years from the date of transfer of the Open Space to Little Dunmow Parish Council and payable to the Council if the Open

	Space is transferred to Little Dunmow Parish Council in accordance with Schedule 3 Part 3 of this deed to spend on the maintenance of the Open Space in accordance with the Open Space Management Plan
"Open Space Management Plan"	means a management plan prepared by the Owners to be approved in writing by the Council for the ongoing management and maintenance of the Open Space, including for the avoidance of doubt provisions for the rectification of any defects in any area of the Open Space until the completion of the relevant transfer of the Open Space to Little Dunmow Parish Council or the Management Company
"Open Space Scheme"	means a scheme detailing the extent of the Open Space and how such Open Space will be delivered, laid out, planted, landscaped and (in the case of the Local Area of Play) equipped.
"Payment Notice"	means a written notice advising of a proposed payment served pursuant to clause 4.1.4
"Phase"	means a phase of the Development as identified in the Phasing Plan
"Phasing Plan"	means the phasing plan agreed in writing between the Council and the Owners pursuant to Part 1 of Schedule 3 or a phasing plan agreed pursuant to a condition attached to the Planning Permission, whichever is first agreed
"Plan"	means the plan annexed at Schedule 2.
"Planning Application"	means the application for outline planning permission validated by the Council on 10 December 2021 under reference number UTT/21/3596/OP
"Planning Permission"	means the planning permission granted by the Council for the Development pursuant to the Planning Application a draft of which is annexed at Schedule 1
"Practical Completion"	means: <ul style="list-style-type: none"> (a) in relation to the Highway Works, completion of the Highway Works that enables the Highway Works to be used for the purpose for which they were designed, save for any minor defects; and (b) in relation to the Affordable Housing Units, the issue of a certificate of practical completion by the Owners' architect (or other such suitably qualified position) certifying the completion of any part of the Development so that such part can be used for the

	purpose and operate in the manner for which it was designed and (in each case) "Practically Complete" and "Practically Completed" shall be construed accordingly.
"Primary Education Contribution"	means the Primary Pupil Product multiplied by the cost generator of £17,268.00 (seventeen thousand two hundred and sixty-eight pounds sterling)
"Primary Education Purposes"	means the use of the Primary Education Contribution for the design (including feasibility work) and/or delivery and/or provision of facilities for the education and/or care of children between the ages of 4 to 11 (both inclusive) including those with special educational needs at Fritch Green Primary School and/or Uttlesford Primary Group Seven as stated in the County Council's 10 Year Plan and/or education facilities and/or education facilities in the vicinity deemed by the County as serving the Development including any successor institution or institutions and including the reimbursement of capital funding for such provision made by the County Council of the Primary Education Contribution
"Primary Pupil Product"	means the sum of the Qualifying Flats multiplied by 0.15 plus the Qualifying Houses multiplied by 0.3
"Property"	means Moors Field, Station Road, Little Dunmow shown edged red on the Plan and registered at HM Land Registry with absolute title under title number EX815281
"Qualifying Flats"	means the total number of Residential Dwellings that meet the definition of a Flat and that shall have two or more rooms that may by design be used as bedrooms
"Qualifying Houses"	means the total number of Residential Dwellings that meet the definition of a House and that shall have two or more rooms that may by design be used as bedrooms
"Relevant Education Indexation"	means the amount that the Owners shall pay with and in addition to each part of the Education Contribution paid that shall in each case equal a sum calculated by taking the amount of the Education Contribution being paid and multiplying this amount by the percentage change shown in the Education Index between the Index Point pertaining to January 2020 and the Index Point pertaining to the date the payment is made to the County Council
"Relevant General Indexation"	means the amounts that the Owners shall pay with and/or agree in addition to each part of the fee or sum set out under paragraph 6.2 of this Part 3 of Schedule 1 that shall in each

	case equal a sum calculated by taking the amount being paid and multiplying this amount by the percentage change shown in the General Index between the General Index Point pertaining to January 2020 and the date payment is made to the County Council
"Relevant Highway Indexation"	means the amount that the Owners shall pay with and in addition to the Flitch Way Contribution paid that shall in each case equal a sum calculated by taking the amount of the Flitch Way Contribution being paid and multiplying this amount by the percentage change shown in the Highway Index between the Index Point pertaining to 1 st April 2022 and the date of the most recent Index Point published in relation to the date the payment is made to the County Council
"Relevant Library Indexation"	means the amount that the Owners shall pay with and in addition to each part of the Library Contribution paid that shall in each case equal a sum calculated by taking the amount of the Library Contribution being paid and multiplying this amount by the percentage change shown in the Library Index between the Index Point pertaining to January 2020 and the Index Point pertaining to the date the payment is made to the County Council
"Relevant Sustainable Travel Indexation"	means the amount that the Owners shall pay with and in addition to each part of the Residential Travel Plan Monitoring Fee paid that shall in each case equal a sum calculated by taking the amount of the Residential Travel Plan Monitoring Fee being paid and multiplying this amount by the percentage change shown in the Sustainable Travel Index between the Sustainable Travel Index Point pertaining to April 2022 and the date payment is made to the County Council
"Relevant Transport Indexation"	means the amount that the Owners shall pay with and in addition to the Bus Services Contribution paid that shall in each case equal a sum calculated by taking the amount of the Bus Services Contribution being paid and multiplying this amount by the percentage change shown in the General Index between the Index Point pertaining to 1 st April 2022 and the date of the most recent Index Point published in relation to the date the payment is due to be made to the County Council
"Residential Dwelling"	means a unit of residential accommodation (including a house, flat, bungalow or maisonette) constructed pursuant to the Planning Permission and for the avoidance of doubt the number of Residential Dwellings constructed shall include nine (9) bungalows
"Residential Travel Plan"	means a working plan to include all measures to ensure sustainable means of travel are available to residents of the

	Development in accordance with the requirements of the National Planning Policy Framework (and to include timescales for carrying out Annual Traffic Count) and shall include but not be limited to such Residential Travel Plan measures as stated in the Framework Residential Travel Plan amended and supplemented from time to time under the provisions of this Deed and the Annual Traffic Counts reviews;
"Residential Travel Plan Co-Ordinator"	means a member of staff appointed by the Owners with appropriate skills and budgetary provision and resources to fulfil the role of the Residential Travel Plan Co-ordinator as described in the job description(s) stated in the Residential Travel Plan;
"Residential Travel Plan Monitoring Fee"	means a non-refundable annual payment of £1,596 (one thousand five hundred and ninety-six pounds sterling) plus Relevant Sustainable Travel Indexation payable towards the monitoring by the County of the implementation of the Residential Travel Plan to ensure that (a) monitoring is conducted in line with Residential Travel Plan monitoring protocols and (b) the Residential Travel Plan remains an "active" document with the overarching aim to secure a modal shift from the private car and increase the number of people using sustainable modes of travel;
"Residential Travel Information Pack"	means a specific district or borough tailor-made booklet aimed at promoting the benefits of sustainable transport in support of the objective to secure a modal shift from the private car and increase the use of sustainable modes of travel and shall contain the following: (a) guidance and promotional material on the use of sustainable modes of travel; (b) details on walking, cycling, trains, buses, park & ride, taxis, car sharing, car clubs, electric vehicles, school transport and personalised journey planning services; (c) reference to travel websites, resources and support services for each mode of travel, information provided by the County and the Council; (d) details of local travel campaigns and networking/support groups; and (e) to include Travel Vouchers for use with the relevant local public transport operator;
"Secondary Education Contribution"	means the Secondary Pupil Product multiplied by the cost generator of £23,775.00 (twenty-three thousand seven hundred and seventy-five pounds sterling)

<p>"Secondary Education Purposes"</p>	<p>means the use of the Secondary Education Contribution for the design (including feasibility work) and/or delivery and/or provision of facilities for the education and/or care of children between the ages of 11 to 19 (both inclusive) including those with special educational needs at Helena Romanes and/or education facilities in the vicinity deemed by the County as serving the Development including any successor institution or institutions including the reimbursement of capital funding for such provision made by the County Council of the Secondary Education Contribution Purpose of providing additional secondary education childcare facilities within the catchment area of the Development to meet the need generated or reasonably expected to be generated by the Development</p>
<p>"Secondary Pupil Product"</p>	<p>means the sum of the Qualifying Flats multiplied by 0.1 plus the Qualifying Houses multiplied by 0.2</p>
<p>"Serviced Condition"</p>	<p>means the relevant property has proper connections within its boundary so as to connect it to surface water drainage facilities and to mains foul drainage, water, gas, electricity and telecommunications and enjoys a right of access to the public highway or a roadway constructed to adoptable standards (connecting to the public highway) which is the subject of an agreement under section 38 of the Highways Act 1980 and in each case adequate for the purpose of its prospective use</p>
<p>"Sustainable Travel Index"</p>	<p>means the Consumer Price Index (CPI) or in the event that the CPI is no longer published or the calculation method used is substantially altered then an appropriate alternative index nominated by the County Council</p>
<p>"Sustainable Travel Index Point"</p>	<p>means a point shown on the Sustainable Travel Index indicating a relative cost at a point of time;</p>
<p>"Sterling Overnight Index Average (SONIA) Rate"</p>	<p>means an assessment of the rate of interest the County Council can expect to earn on investments through the British sterling market, the rate used being the average interest rate at which banks are willing to borrow sterling overnight from other financial institutions and other institutional investors and SONIA Rate shall be construed accordingly or such other reasonably comparable rate as approved by the County Council or the Council</p>
<p>"Shared Ownership Lease"</p>	<p>means a lease in the form of the Homes England's model shared ownership lease and on terms that permit part purchase of the open market value of the equity in a Unit up to a maximum of 75% together with rent payable for the open market rack rental value of the un-purchased percentage of the equity in the Unit up to a value which does</p>

	not exceed the rent set by Homes England from time to time (or such other rent or form of lease approved in writing by the Council)
"Shared Ownership Units"	means the Affordable Housing Units to be occupied under a Shared Ownership Lease in accordance with the terms of this deed
"Travel Vouchers"	means tickets/passes/ vouchers or other means of accessing transport or journey planning information as agreed with the County including the following as a minimum (six scratchcard bus tickets per household OR season ticket voucher) and/or (incentives for rail travel with the local rail operator) for each eligible member of the household AND access to an online tool to generate personalised travel plans using a home and destination postcode to provide details of different travel modes/options travel routes/maps and timetable information).
"Unit"	means a house or self-contained flat or bungalow or any other Residential Dwelling constructed as part of the Development and "Units" shall be construed accordingly
"VAT"	means value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax
"Unit Mix"	means the number of Qualifying Flats and the number of Qualifying Houses and the number of Residential Dwellings that by definition shall not be counted as Qualifying Houses or Qualifying Flats the sum of which shall for the avoidance of doubt equal the total number of Residential Dwellings to be constructed on the Property or created by conversion of an existing building on the Property
"Working Day"	means any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a company shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

- 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council and the County Council the successors to their respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to writing or written includes email provided that the recipient of such email has confirmed receipt.
- 1.11 A reference to this deed or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.12 References to clauses and schedules are to the clauses and schedules of this deed.
- 1.13 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.14 Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2 STATUTORY PROVISIONS

- 2.1 This deed is made pursuant to section 106 of the 1990 Act, section 111 of the 1972 Act, section 1 of the 2011 Act and all other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are declared to be planning obligations for the purposes of section 106 of the 1990 Act and are entered into by the Owners and, subject to the provisions of clause 8.4, the Promoter with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations in this deed are enforceable by the Council and the County Council in accordance with section 106 of the 1990 Act.

3 CONDITIONALITY

- 3.1 With the exceptions of Clause 2, Clause 3, Clause 11, Clause 13, Clause 16, Clause 17, Clause 19, Clause 20, Clause 21, Clause 22 and Clause 24 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission and Implementation unless any such obligations or requirements expressly provides otherwise .

4 COVENANTS BY THE OWNERS

- 4.1 The Owners covenant with the Council and the County Council to:
- 4.1.1 Observe and perform the covenants, restrictions and obligations contained in this deed and including the Schedules to this deed.

- 4.1.2 Give at least one (1) Working Day's written notice to the Council of the intended Implementation Date;
- 4.1.3 to serve on the County Council the Notice of Implementation not less than three (3) months prior to Implementation stating the expected Implementation Date an estimate of the triggers and any further information stipulated in the Schedules to this deed;
- 4.1.4 to serve on the County Council the Payment Notice between sixty (60) and thirty (30) Working Days prior to the date that each and any payment is due to be made to the County Council under this deed stating the date that such payment becomes due and any further information stipulated in the Schedules to this deed;
- 4.1.5 to serve on the County Council the Completion Notice within 30 Working Days of all Residential Dwellings being Occupied for the first time stating the date that the last Residential Dwelling was Occupied for the first time and any further information stipulated in the Schedules to this deed and for the avoidance of doubt any dispute regarding any notice to be served under this deed may be resolved through the 2 mechanisms set out in Clause 16 of this deed.
- 4.1.6 to serve on the County Council notice of Occupation of the first Residential Dwelling within 1 (one) month thereof and on a 6 (six) monthly basis thereafter indicating the Unit Mix of Occupied Residential Dwellings the Unit Mix of Residential Dwellings that are completed but not Occupied the Unit Mix of Residential Dwellings that are under construction and the Unit Mix of Residential Dwellings where construction work has yet to start at the time the notice is served.

5 COVENANTS BY THE COUNCIL

- 5.1 The Council covenants with the Owners to observe and perform the covenants, restrictions and obligations contained in Schedule 5.

6 COVENANTS BY THE COUNTY COUNCIL

- 6.1 The County Council covenants with the Owners to observe and perform the covenants, restrictions and obligations contained in Schedule 4.

7 INDEXATION

- 7.1 All financial contributions payable to the Council shall be Index Linked.
- 7.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the parties shall agree in writing.

8 RELEASE AND LIMIT OF LIABILITY

- 8.1 No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.
- 8.2 Except for the purposes contained in this deed specifically regulating the use of land or buildings after construction, no planning obligations contained in this deed shall be binding on any freehold or leasehold owners or occupiers of individual dwellings constructed pursuant to the Planning Permission (or their respective mortgagees)

8.3 No planning obligations contained in this deed shall be binding on land held by any of the statutory utilities for their operational purposes.

8.4 The Promoter hereby consents to the completion of this deed and declares that from the date of this deed its interest in the Property shall be bound by the terms of this deed PROVIDED THAT the Promoter shall not be required to observe or perform the obligations in this deed and the obligations shall not be enforceable against or binding on it unless it takes possession of the Property or becomes the successor in title to the Owners.

9 DETERMINATION OF DEED

9.1 The obligations in this deed (with the exception of Clause 11) shall cease to have effect if before Implementation, the Planning Permission

9.1.1 expires

9.1.2 is varied or revoked other than at the request of the Owners or

9.1.3 is quashed following a successful legal challenge.

10 LOCAL LAND CHARGE

10.1 This deed is a local land charge and shall be registered as such by the Council.

11 COSTS

11.1 The Promoter shall pay to the Council on or before the date of this deed:

11.1.1 The Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.

11.1.2 The sum of £15,184.00 (fifteen thousand one hundred and eighty-four pounds sterling) as a contribution towards the Council's costs of monitoring the implementation of this deed.

11.2 The Promoter shall pay to the County Council on or before the date of this deed:

11.2.1 The County Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.

The sum of £550 (five hundred and fifty pounds sterling) per obligation due under this deed and for the avoidance of doubt this is the total of £2750 (two thousand seven hundred and fifty pounds sterling) towards the County Council's reasonable and proper administration costs of monitoring and managing the performance of the planning obligations that the Owners are required to observe and perform pursuant to the terms of this deed.

11.3 The Owners shall pay the County Council Monitoring Fee to the County Council prior to the Implementation Date.

12 INTEREST ON LATE PAYMENT

12.1 If any sum or amount has not been paid to the Council by the date it is due, the Owners shall pay the Council interest on that amount at the Default Interest Rate from the due date to and including the date of payment.

13 OWNERSHIP

13.1 The Owners warrant that no person other than the Owners and the Promoter has any legal or equitable interest in the Property.

13.2 Until the covenants, restrictions and obligations in Schedules 3 and 4 have been complied with, the Owners will give to the Council within Twenty (20) Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property excluding any conveyance, transfer, lease, assignment, mortgage or other disposition of any individual Residential Dwelling:

13.2.1 the name and address of the person to whom the disposition was made; and

13.2.2 the nature and extent of the interest disposed of.

14 REASONABLENESS

14.1 Any approval, consent, direction, authority, agreement or action to be given by the Council or the County Council under this deed shall not be unreasonably withheld or delayed.

15 CANCELLATION OF ENTRIES

15.1 On the written request of the Owners at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

15.2 Following the performance and full satisfaction of all the terms of this deed or if this deed is determined pursuant to Clause 9 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on written request of the Owners cancel all entries made in the local land charges register in respect of this deed.

16 DISPUTES

16.1 One party may by serving notice on all the other parties (the Notice) require a dispute to be referred to an expert for determination.

16.2 The Notice must specify:

16.2.1 the nature, basis and brief description of the dispute

16.2.2 the clause or paragraph of a schedule or appendix pursuant to which the dispute has arisen and

16.2.3 the proposed expert.

16.3 The expert may be agreed upon by the parties to the dispute and in the absence of such agreement within one month of the date that the notice is issued pursuant to clause 16.1 any party to the dispute may request that the following nominate the expert at their joint expense:

16.3.1 if such dispute relates to matters concerning the construction, interpretation and/or the application of this deed, the Chairman of the Bar Council to nominate the expert

- 16.3.2 if such dispute relates to matters requiring a specialist chartered surveyor, the President of the Royal Institution of Chartered Surveyors to nominate the expert
- 16.3.3 if such dispute relates to matters requiring a specialist chartered civil engineer or specialist transport advice, the President of the Institution of Civil Engineers to nominate the expert
- 16.3.4 if such dispute relates to matters requiring a specialist chartered accountant, the President of the Institute of Chartered Accountants in England and Wales to nominate the expert
- 16.3.5 if such dispute relates to Affordable Housing the expert shall be nominated by the President of the Royal Town Planning Institute and
- 16.3.6 in all other cases, the President of the Law Society to nominate the expert provided that if a dispute relates to a matter falling within two or more of sub-clauses 16.3.1 to 16.3.5 the President of the Law Society may nominate such person or persons falling within the description of sub-clauses 16.3.1 to 16.3.5 as he thinks appropriate including joint experts.
- 16.4 If an expert nominated or appointed pursuant to clause 16.3 shall die or decline to act another expert may be appointed in his place in accordance with the provisions of clause 16.3.
- 16.5 The expert will be appointed subject to an express requirement that he reaches his decision and communicates it to the parties to the dispute within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than 20 Working Days from the date of the notice of his appointment which is served on the parties to the dispute pursuant to clause 16.3.
- 16.6 Notice in writing of the appointment of an expert pursuant to clause 16.3 shall be given by the expert to the parties to the dispute and he shall invite each of the parties to the dispute to submit to him within ten Working Days written submissions and supporting material and will afford to each of the said parties to the dispute an opportunity to make counter submissions within a further five Working Days in respect of any such submission and material.
- 16.7 The expert shall act as an expert and not as an arbitrator. He shall consider any written representation submitted to him within the period specified in clause 16.6 and shall not be in any way limited or fettered thereby and shall determine the dispute in accordance with his own judgement.
- 16.8 The expert shall give notice of his decision in writing to the parties to the dispute and his decision will (in the absence of manifest error) be final and binding on the parties thereto.
- 16.9 If for any reason the expert fails to make a decision and give notice thereof in accordance with this clause 16.5 the party or parties to the dispute may apply to the President of the Law Society for a substitute to be appointed in his place (which procedure may be repeated as many times as necessary).
- 16.10 The expert's costs shall be in the expert's award or in the event that he makes no determination, such costs will be borne by the parties to the dispute in equal shares.
- 16.11 Nothing in this clause 16 shall be taken to fetter the parties' ability to seek legal redress in the Courts (or otherwise) for any breach of the obligations in this deed.
- 17 **NO FETTER OF DISCRETION**

17.1 Nothing (contained or implied) in this deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

18 WAIVER

18.1 No failure or delay by the Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy and no single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

19 FUTURE PERMISSIONS

19.1 Nothing in this deed shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

20 AGREEMENTS AND DECLARATIONS

20.1 The parties agree that:

20.1.1 nothing in this deed constitutes a planning permission or an obligation to grant planning permission and

20.1.2 nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

21 NOTICES

21.1 Any notice or other communication to be given under this deed must be in writing and must be:

21.1.1 delivered by hand or

21.1.2 sent by pre-paid first class post or other next working day delivery service.

21.2 Any notice or other communication to be given under this deed must be sent to the relevant party as follows:

21.2.1 to the Council at Uttlesford District Council marked for the attention of the Director of Planning

21.2.2 to the County Council as set out above and it shall be marked for the attention of the s106 Officer, Planning Service, Economy, Localities and Public Health County Hall Chelmsford CM1 1QH AND to development.enquiry@essex.gov.uk

21.2.3 to the Owners at the addresses stated in the recitals and marked for the attention of the relevant owner

21.2.4 to the Promoter at its registered office

or as otherwise specified by the relevant party by notice in writing to each other party.

21.3 Any notice or other communication given in accordance with Clause 21.1 and Clause 21.2 will be deemed to have been received:

21.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the

notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day or

21.3.2 if sent by pre-paid first class post or other next working day delivery service, at 9.00 am on the second Working Day after posting.

21.4 A notice or other communication given under this deed shall not be validly given if sent by e-mail.

21.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

22 THIRD PARTY RIGHTS

22.1 A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

23 VALUE ADDED TAX

23.1 Each amount stated to be payable by the Council or the Owners to the other under or pursuant to this deed is exclusive of VAT (if any).

23.2 If any VAT is at any time chargeable on any supply made by the Council or the Owners under or pursuant to this deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice.

24 GOVERNING LAW

24.1 This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

SCHEDULE 1

Draft Planning Permission



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510550
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Mr G Armstrong
Armstrong Rigg Planning
The Exchange
Colworth Science Park
Sharnbrook
Bedford
MK44 1LZ

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/21/3596/OP

Applicant: Catesby Land And Planning Limited, Ms A. Hawkes, Mr B. Hawkes

Uttlesford District Council Grants Permission for:

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)
Moors Fields Station Road Little Dunmow Essex

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
07A	Location Plan	10/12/2021
3202E	Other	02/03/2022
3501 H	Other	02/03/2022
EDP6755_D007C	Other	02/03/2022
TRANSPORT ASSESSMENT	Other	10/12/2021

Permission is granted with the following conditions:

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

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

and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

- 4 The development shall be carried out in accordance with the following approved plans: Site Location Plan Dwg Ref: 07a & Proposed Site Access Dwg Ref: 22268-04 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality, street scene and highway safety in accordance with Policies S7, GEN1, GEN2 of the Adopted Local Plan and the NPPF.

- 5 The location of the built development shall be carried out in general accordance with the Development Framework Plan Dwg Ref: 3501H unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and street scene in accordance with Policies S7, GEN2 of the Adopted Local Plan and the NPPF.

- 6 The development hereby approved shall be constructed in accordance with the details as set out within the 'Design Code' (November 2022) prepared by Catesby Estates Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a high-quality development and place making is achieved when applications for reserved matters are submitted in accordance with Policy GEN2 of the Adopted Local Plan and the NPPF.

- 7 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:

- o Verification of the suitability of infiltration of surface water for the development. We would expect to see further testing undertaken in winter to reflect the most conservation management. This should be based on detailed 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. Designing for infiltration should also take into consideration ground water levels.

- o Where infiltration is not viable, the scheme should be limited discharging rates to 12.12l/s for all storm events up to and including 1 in 100 year rate plus 40% allowance for climate change. All relevant permission to discharge from the site into any outfall should be demonstrated.

- o 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.

- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

- o Final modelling and calculation for all areas of the drainage system.

- o 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.

- o Detailed engineering drawings of each component of the drainage scheme.

- o A final drainage plan which details exceedance and conveyance routs, FFL and ground levels, and location and sizing of any drainage features.

- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8 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 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 9 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

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.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as

outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 11 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of plant and materials used in constructing the development
 - c) Details of any highway works necessary to enable construction to take place
 - d) the parking of vehicles of site operatives and visitors,
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
 - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
 - l) wheel and underbody washing facilities.
 - m) M) routing strategy for construction vehicles

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

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: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

- 12 No development approved by this permission shall take place until the following has been submitted to an approved in writing by the Local Planning Authority:

A Phase 2 Site Investigation based on the findings of the Phase 1 Desk Assessment.
A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS 10175:2011 or other appropriate guidance issued by regulatory authorities. The work shall be sufficient to ensure that measure will be taken to mitigate any risks to human health, groundwater and the wider environment.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 13 A detailed scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic submitted to an approved in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environment are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

07:00 to 2300
Resting - Living Room 35db
Dining - Dining room/area 40db
Sleeping/Daytime Resting - Bedroom 35db

23:00 to 07:00
Sleeping/Nigh time Bedroom 35db

External areas shall be designed and located to ensure that amenity space areas are protected on all boundaries as to not exceed 50db. If a threshold level relaxation to 55db is required for external areas, full justification and explanation should be provided.

The dwellings shall not be occupied until such a scheme has been implemented in accordance with the approved details, and as shown to be effective, and is shall be retained in accordance with those details thereafter.

REASON: To ensure future occupiers enjoy a good acoustic environment in accordance with Policy ENV10 of the Adopted Local Plan which requires appropriate noise mitigation and sound proofing to noise sensitive developments.

- 14 All mitigation and enhancement 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.

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

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 15 A Biodiversity Net Gain Design State Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to an approved in writing by the Local Planning Authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain Report should include the following:

- a) Baseline data collection and assessment of current conditions on site.
- b) A commitment to measure in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
- c) Provision of the full BNG calculations, with detailed justification for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality.
- d) Details of any off-site provision to be secured by a planning obligation
- e) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF (2021) and in accordance with Policy GEN7 of the Adopted Local Plan.

- 16 A Skylark Mitigation Strategy shall be submitted to an approved by the Local Planning Authority to compensate the loss of any Skylark territories. The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark plots.
- b) Detailed methodology for Skylark plots following Agri-Environment Scheme option.
- c) Locations of the Skylark plots by appropriate maps/for plans.
- d) Persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum of 10 years.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 17 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of Receptor area(s).
- i) Details of monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Persons responsible for implementing the enhancement measures;
- f) Details of initial aftercare and long-term maintenance (where relevant).

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

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

- 19 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

- 20 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are

particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging, and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 21 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- o the parking of vehicles of site operatives and visitors,
- o loading and unloading of plant and materials,
- o storage of plant and materials used in constructing the development,
- o wheel and underbody washing facilities.
- o routing strategy for construction vehicles
- o before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22 Prior to occupation of the development, the ghosted right turn access, 6m wide with 2 x 2m width footways, as shown in principle on submitted drawing Proposed Site Access Dwg Ref: 22268-04 and 22268-04-02 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 106 metres to the north-west and 2.4 metres by 104 metres to the south-east, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall retained free of obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 23 Prior to the first occupation of the development, the pedestrian/cycle access of minimum effective width of 3.5m as shown in principle in drawing number 22268-04-02, including a

clear ground visibility splays with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility shall be retained free of obstruction at all times thereafter.

REASON: To provide connectivity and ensure that pedestrians and cyclists can enter and leave the existing public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 24 Prior to the first occupation, the following infrastructure shall be provided. All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and traffic regulation orders to be carried out entirely at the developer's expense.

a) A footway of 2m width along the south-western side of Station Road along the site frontage connecting to the existing footway at either end. For avoidance of doubt, such footway to include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority.

b) Enhancement of bus stops to the north of the site on either side of Station Road as shown in principle of drawing number 03/001/N which shall comprise (but not limited to) the following facilities; shelter, seating, raised kerbs, bus stop markings, poles and flag type signs, timetable casings.

c) Provision of a scheme to improve the safety of pedestrian and cyclists on Station Road including signage and improvement of access and crossing point for the Flitch Way on the eastern side of Station Road.

d) Provision of a pedestrian refuge to connect to a new footway along the eastern side of Station Road to the bus stop as shown in principle in drawing number Ref: 22268-04.

REASON: In the interests of highway safety, reducing the need to travel by car, and promoting sustainable development and transport in accordance with policies DM9 of the Development Management Policies as Adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 25 Prior to the first occupation, the developer shall provide pedestrian and cycle accesses to the Flitch Way and pedestrian network as shown in principle on the 3202E (illustrative master plan) and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the Local Planning Authority in conjunction with Essex County Council.

REASON: To provide controlled access to the Flitch Way and improve accessibility of the site by walking and cycling and to protect it from uncontrolled use and damage in accordance with Policies GEN1, GEN7 and ENV7 of the Adopted Local Plan and the National Planning Policy Framework.

- 26 The layout of the development will be such that no gardens back on to the Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development.

REASON: To protect the Flitch Way from uncontrolled use, littering and damage in

accordance with Policies GEN1, GEN2, ENV7 and GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27 Prior to the occupation of the dwellings hereby approved, the treatment and surfacing of the Public Right of Ways (PRoW) within the site to be agreed with the Local Planning Authority. The agreed scheme to include public footpath 35/10 clearance and alignment on to its definitive route.

REASON: To protect the PRoW network within land under control of the applicant in accordance with GEN1, of the Adopted Local Plan and the National Planning Policy Framework.

- 28 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 29 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved scheme.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 30 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 26 and confirmed by the Local Planning Authority

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 31 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 32 No development or preliminary groundworks can commence on those areas containing

archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 33 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 34 Prior to the construction of the development hereby approved, a Bird Hazard Management Plan shall be submitted and approved by the Local Planning Authority. The Plan should include details of landscaping, especially open /public spaces and SuDS, and measures in how birdstrike avoidance is undertaken during both the construction period and in perpetuity.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

- 35 All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

- 36 No reflective materials to be used in the construction of the new buildings and no solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be required.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the NPPF.

- 37 The proposed development hereby approved shall be constructed in accordance with the Sustainability and Energy Statement prepared by Turley (November 2021) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

NPPF4 - National Planning Policy Framework July 2021
S7 - The Countryside
GEN1 - Access
GEN2 - Design
GEN3 - Flood Protection
GEN4 - Good Neighbours
GEN5 - Light Pollution
GEN6 - Infrastructure Provision to Support Development
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV2 - Development affecting Listed Buildings
ENV3 - Open spaces and trees
ENV4 - Ancient Monuments and Site of Archaeological Importance
ENV5 - Protection of agricultural land
ENV7 - The protection of the natural environment designated sites
ENV8 - Other landscape elements of importance for nature
ENV10 - Noise sensitive development and disturbance from aircraft
ENV11 - Noise generators
ENV13 - Exposure to poor air quality
ENV14 - Contaminated land
H9 - Affordable Housing
H10 - Housing Mix

**Dean Hermitage
Director Planning**

Notes:

- 1 The local planning authority has worked with the applicant in a positive and proactive manner in determining this application.

- 2 -This permission does not incorporate Listed Building Consent unless specifically stated.

-The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.

-The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.

-The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).

- It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.

-Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.

-Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.

-If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority.

-Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.

-If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

-Working in close proximity to live overhead lines:

The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at

<http://www.ukpowernetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines"

UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.

Appeals to the Secretary of State

-If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

-The Secretary of State can allow a longer period for giving notice of an appeal but will not

normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

-The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

- 3 This Decision Notice must be read in conjunction with an Obligation made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.

SCHEDULE 2

Plan

Key:

Site Boundary = 14.05ha / 34.71 acres



Rev.	Date	Description	Initial
a	15/11/21	label amends: site boundary area added	-

Project: Land off Station Road
Fritch Green, Essex

Drawing: 07a Site Location Plan

Scale: 1:2000 @ A2
Drawn: LA

Date: 07/06/21
Checked: --

Catesby Estates plc
part of Urban² Civic



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SCHEDULE 3

Obligations entered into with the Council

PART 1

Phasing

The Owners covenant with the Council as follows:

1. A Phasing Plan shall be agreed with the Council prior to Implementation identifying the Phases of the Development and the Development shall be provided in accordance with the agreed Phasing Plan as may be varied by agreement from time to time with the written consent of the Council

PART 2

Affordable Housing

The Owners covenant with the Council as follows:

1. The Affordable Housing Units shall comprise up to 40% of the total of all Residential Dwellings constructed in accordance with the Planning Permission (including 4 of the 9 bungalows to be constructed as part of the Development) unless otherwise agreed in writing with the Council PROVIDED THAT any fraction of a Unit produced by calculating the percentage shall be rounded up if 0.5% or over and shall be rounded down if under 0.5%
2. 5% of the Affordable Housing Units shall be wheelchair accessible unless otherwise agreed in writing with the Council PROVIDED THAT any fraction of a Unit produced by calculating the percentage shall be rounded up if 0.5% or over and shall be rounded down if under 0.5%
3. The Affordable Housing Units will be positioned on the Affordable Housing Land in clusters of no more than ten (10) Affordable Housing Units per cluster unless otherwise agreed in writing with the Council
4. The tenure mix of Affordable Housing Units in a Phase will be 70% Affordable Rented Units and 30% Shared Ownership Units unless otherwise agreed in writing with the Council
5. The type and mix of the Affordable Housing Units is to be agreed between the Council and the Owners prior to submission of the reserved matters application for that Phase of the Development
6. Not to Occupy the first Open Market Housing Unit in each Phase which includes Affordable Housing Units until the Owners have EITHER:
 - (a) transferred the Affordable Housing Land in that Phase to an Approved Body as a freehold estate

OR

(b) completed a binding agreement with an Approved Body (documentary proof of which to be supplied to the Council if requested) for the completion of the Affordable Housing Units and the transfer of the Affordable Housing Units and the Affordable Housing Land within that Phase to the Approved Body FOR THE AVOIDANCE OF DOUBT the Owners may complete a binding agreement with an Approved Body for the completion and transfer of the Affordable Housing Units and Affordable Housing Land within the entire Development or for several Phases prior to Implementation of the first Phase if they wish

7. The tenure of each Affordable Housing Unit in a Phase is to be agreed in writing between the Approved Body and the Council in accordance with the Council's Affordable Housing Strategy in force at the time and before the first Occupation of any Affordable Housing Unit in that Phase
8. Not to Occupy more than 75% of the Open Market Housing Units to be constructed in a Phase in accordance with the Planning Permission until the Affordable Housing Units in that Phase shall be substantially completed and ready for Occupation and transferred to an Approved Body as a freehold estate (if not already transferred in accordance with paragraph 6 above)
9. After the substantial completion of the Affordable Housing Units no Affordable Housing Unit shall be Occupied unless in respect of the Affordable Housing Units concerned there is compliance with the following paragraphs 9.1. to 9.6.

9.1. Upon completion of the Affordable Housing Units and thereafter, the Approved Body will allocate each Affordable Housing Unit to a Nominated Person provided by the Council or the Help to Buy Agent (South):

(a) in respect of Affordable Rented Units, in accordance with the provisions of the Nominations Agreement appended at Annex A (into which the Approved Body will have entered with the Council) and

(b) in respect of Shared Ownership Units, in accordance with the following paragraphs 9.1.1 and 9.1.2

9.1.1. Not later than twenty (20) Working Days from the date of completion of each Shared Ownership Unit or a notice from the occupier of a Shared Ownership Unit that he wishes to sell his interest in a Shared Ownership Unit, the Approved Body will give notice thereof to the Help to Buy Agent (South) as regards the Shared Ownership Unit

9.1.2. Thereafter, the Approved Body shall comply with the requirements of the Help to Buy Agent (South) as to the transfer and lease of the Shared Ownership Unit to the Nominated Person

- 9.2. If the Council fails to give details of a Nominated Person to the Approved Body under the provisions of the Nominations Agreement or the Help to Buy Agent (South) fails to give details of a Nominated Person, the Approved Body shall have the right to grant an Affordable Rented Unit tenancy or a transfer and lease of a Shared Ownership Unit to any Eligible Person who is considered by the Approved Body to be in need of an Affordable Housing Unit
- 9.3. Where the Council fails to give details of a Nominated Person under the provisions of the Nominations Agreement or the Help to Buy Agent (South) fails to give details of a Nominated Person and the Approved Body does not have notice or details of an Eligible Person whom it can nominate or house pursuant to paragraph 9.2. of this Part, the Approved Body may grant a tenancy of an Affordable Rented Unit or a transfer and lease of a Shared Ownership Unit to any person whom it considers to be in need of an Affordable Housing Unit and who complies with its lettings policy
- 9.4. The terms of the tenancy deeds for the Affordable Rented Units and the terms of the transfers and leases of the Shared Ownership Units shall be in accordance with the regulations and guidance of Homes England
- 9.5. The Approved Body will not:
- 9.5.1. Subject to paragraph 9.5.2. of this Part, transfer the freehold or leasehold interest in the Affordable Housing Land or any Affordable Housing Unit (save for a transfer of the freehold interest or long leasehold interest of an Affordable Housing Unit to an occupier of a Shared Ownership Unit who has (by virtue only of the grant of a DPA Waiver) acquired 100% of the freehold interest or an occupier of an Affordable Rented Unit who has exercised the right to acquire or other statutory right) to any person firm or company other than an Approved Body and the transfer to the Approved Body shall include a covenant that the Approved Body comply with the terms of this deed
- 9.5.2. Sell let or dispose of any Affordable Housing Unit or allow or permit or suffer any Affordable Housing Unit to be sold let or disposed of other than in accordance with paragraphs 9.1. to 9.7. of this Part
- 9.6. The Approved Body will give the Council one (1) month's written notice of the intended transfer of the freehold or leasehold interest in the Affordable Housing Land or of any Affordable Housing Unit to another Approved Body FOR THE AVOIDANCE OF DOUBT this does not include the transfer of the freehold or leasehold interest in an Affordable Housing Unit to an occupier of a Shared Ownership Unit who has (by virtue only of the grant of a DPA Waiver) acquired 100% of the freehold interest or an occupier of an Affordable Rented Unit who has exercised the right to acquire or other statutory right

9.7. The affordable housing provisions set out in this Part shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "Receiver")) of the whole or any part of the Affordable Housing Units and/or the Affordable Housing Land or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

9.7.1. such mortgagee or chargee or Receiver shall first give written notice to the Council (together with official copies of the relevant Land Registry Entries) of its intention to dispose of the Affordable Housing Units and/or the Affordable Housing Land specified in the notice and thereafter shall give an opportunity

9.7.1.1. to another Approved Body (the name and address of which shall be given to the Council) for a period of one (1) month from the date of the written notice to purchase the specified Affordable Housing Units and/or the Affordable Housing Land and thereafter

9.7.1.2. to the Council for a further period of two (2) months to purchase the specified Affordable Housing Units and/or the Affordable Housing Land

in either case for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses and

9.7.2. if such disposal has not completed on the expiration of both periods referred to above (and for the avoidance of doubt totalling a three-month period from the date of the written notice), the mortgagee or chargee or Receiver shall be entitled to dispose of the specified Affordable Housing Units and/or the Affordable Housing Land free from the affordable housing provisions set out in this Part, which provisions shall determine absolutely

9.7.3. During the three-month period from the date of the written notice, the mortgagee or chargee or Receiver shall use reasonable endeavours to reply to enquiries raised by the Council or by an Approved Body in relation to the specified Affordable Housing Units and/or the Affordable Housing Land as expeditiously as possible so as to ensure the completion of any disposal within the said three-month period

9.8. If the Affordable Housing Units are vested or transferred to another provider pursuant to a proposal made by Homes England pursuant to Section 152 of the Housing and Regeneration

Act 2008 then the provisions of this deed shall continue (notwithstanding paragraph 9.7 above) in respect of such other provider

9.9. Should Homes England be abolished and its functions not be replaced by any other statutory body the Council shall fulfil the functions of the Help to Buy Agent (South)

PART 3

Open Space

The Owners covenant with the Council as follows:

1 OPEN SPACE

- 1.1 Prior to Implementation the Owners shall submit the Open Space Scheme to the Council for approval and shall not commence the Development unless and until the Open Space Scheme is approved or deemed to be approved pursuant to this deed by the Council
- 1.2 The Open Space Scheme shall be deemed to be approved by the Council after thirty (30) Working Days following its submission to the Council in the event that the Council does not notify the Owners with reasons prior to the expiry of such thirty (30) Working Days that the Open Space Scheme is not approved
- 1.3 The Owners shall complete the construction laying out and landscaping of the Open Space in accordance with the approved Open Space Scheme and make it available for public use prior to the Occupation of 90% of the Residential Dwellings unless otherwise agreed with the Council
- 1.4 Not to Occupy or permit the first Occupation of more than 90% of the Residential Dwellings (or such other percentage agreed with the Council pursuant to paragraph 1.3 above) until the Open Space has been completed and made available for public use in accordance with the approved Open Space Scheme
- 1.5 To maintain the Open Space in accordance with the relevant Open Space Management Plan approved pursuant to paragraph 2.1 below to the reasonable satisfaction of the Council from the date it is first made available for public use until such time as the Open Space is transferred to Little Dunmow Parish Council or a Management Company and thereafter the Owners will secure the future maintenance of the Open Space and will ensure that Little Dunmow Parish Council or the Management Company and any future owner of the Open Space complies with the terms of the Open Space Management Plan
- 1.6 The Owners shall transfer the Open Space to Little Dunmow Parish Council or the Management Company on terms which secure the future maintenance of the Open Space in accordance with the Open Space Management Plan and secure either Little Dunmow Parish Council's or the Management Company's agreement that they will fully comply with the terms of the Open Space Management Plan no later than 12 months following the date on which the Open Space is first made available for public use.

2 Open Space Management Plan

- 2.1 Prior to Occupation the Owners shall submit details of the Open Space Management Plan to the Council for approval and shall not Occupy or permit Occupation of the Development unless and until the details of the Open Space Management Plan have been approved or deemed to be approved pursuant to this deed by the Council
- 2.2 The Open Space Management Plan shall include:
- 2.2.1 The means of funding the maintenance and upkeep of the Open Space to demonstrate that the Open Space is able to be maintained by either Little Dunmow Parish Council or the Management Company in perpetuity including details of any service charge to be paid by residents of the Development
- 2.2.2 The details and method of calculation of the Open Space Commuted Sum should the Open Space be transferred to Little Dunmow Parish Council
- 2.2.3 The proposed banking arrangements for either Little Dunmow Parish Council or the Management Company
- 2.2.4 Details of insurances as shall be appropriate in respect of the use of the Open Space managed by either Little Dunmow Parish Council or the Management Company and against damage by those comprehensive risks as are reasonable to insure against
- 2.3 The details of Open Space Management Plan shall be deemed to be approved by the Council after thirty (30) Working Days following its submission to the Council in the event that the Council does not notify the Owners with reasons prior to the expiry of such thirty (30) Working Days that the details of the Open Space Management Plan are not approved
- 3 **Transfer of Open Space:**
- 3.1 Following the construction laying out and landscaping of the Open Space in accordance with the approved Open Space Scheme and as soon as it is made available for public use in accordance with paragraph 1.3 above the Open Space shall be offered for transfer to Little Dunmow Parish Council at nil cost with the Owners meeting the reasonable legal costs of Little Dunmow Parish Council incurred in the negotiation preparation and completion of the transfer and the Owners shall pay the Open Space Commuted Sum to the Council on the same day as the transfer of the Open Space to Little Dunmow Parish Council.
- 3.2 If after three (3) months of an offer to transfer Little Dunmow Parish Council it has not agreed to accept the transfer or has agreed to accept the transfer but has not completed the transfer within three (3) months from the acceptance of the offer to transfer the Owners shall transfer the Open Space to a Management Company in accordance with the provisions of this Schedule

- 3.3 Prior to the transfer of the Open Space to a Management Company the Owners shall submit details of the Management Company to the Council for approval and shall not transfer the Open Space to the Management Company until the details of the Management Company have been approved or deemed to be approved pursuant to this deed by the Council
- 3.4 The details of any Management Company referred to in paragraph 3.3 above shall include (where applicable):
- 3.4.1 its corporate structure
 - 3.4.2 its registered office and correspondence address
 - 3.4.3 its directors and officers (where known)
- 3.5 The details of the Management Company shall be deemed to be approved by the Council after thirty (30) Working Days following their submission to the Council in the event that the Council does not notify the Owners with reasons prior to the expiry of such thirty (30) Working Days that the details of the Management Company are not approved

PART 4

Hatfield Forest Financial Contribution

The Owners covenant with the Council as follows:

1. Prior to Implementation, to pay the Hatfield Forest Financial Contribution to the Council

PART 5

Healthcare Facility Contribution

The Owners covenant with the Council as follows:

1. Prior to Implementation, to pay the Healthcare Facility Contribution to the Council

PART 6

Provision of on-site building

The Owners covenant with the Council as follows:

1. The Owners shall construct a building within the Development comprising an office hub ("the office hub") with a floor area of 100 square metres. Detailed plans for the construction of the office hub and its location shall be submitted to the Council by the Owners as part of a reserved matters application
2. The office hub shall be substantially completed and ready for use prior to the Occupation of 75% of the Residential Dwellings and forthwith thereafter the freehold of the office hub shall be offered for transfer to Little Dunmow Parish Council at nil cost, with the Owners meeting the reasonable legal costs of Little Dunmow Parish Council incurred in the negotiation preparation and completion of the transfer
3. If after three (3) months of an offer to transfer Little Dunmow Parish Council have not agreed to accept the transfer or agreed to accept the transfer but not completed the transfer within three (3) months from the acceptance of the offer to transfer, the Owners shall transfer the office hub to a Management Company
4. Prior to the transfer of the office hub to a Management Company, details of the Management Company shall be submitted to the Council for approval and shall include (where applicable):
 - 4.1.1. its corporate structure
 - 4.1.2. its registered office and correspondence address
 - 4.1.3. its directors and officers (where known)

SCHEDULE 4

Obligations entered into with the County Council

PART 1

Education

1. The Owners covenant with the Council and the County Council as follows:
 - 1.1. to pay the Education Contribution to the County Council in accordance with the following splits:
 - 1.1.1. fifty percent (50%) of the Education Contribution prior to Implementation of Development and not to Implement or cause or allow or permit the Implementation the Development unless and until fifty percent 50% of the Education Contribution have been received by the County Council;
 - 1.1.2. a further twenty-five percent (25%) of the Education Contribution prior to first Occupation of the Development and not to cause or allow or permit any Occupation of the Development unless and until a further twenty-five percent (25%) of the Education contribution has been paid to the County Council and thus seventy-five percent (75%) Education Contribution has thereby been received by the County Council; and
 - 1.1.3. a further and final twenty-five percent 25% of the Education Contribution prior to Occupation of 50% of the Residential Dwellings and not to cause or allow or permit the Occupation of more than 50% of the Residential Dwellings unless and until a further twenty-five percent (25%) of the Education contribution has been paid to the County Council and thus one hundred percent (100%) of the Education Contribution have been received by the County Council in full,
2. The Notice of Implementation shall in addition to that information stipulated in paragraph 1.1 to this Part 3 of this Schedule state the Unit Mix and in the event that the Unit Mix constructed or to be constructed should at any time differ from the Unit Mix notified to the County Council then the Owners shall serve on the County Council a further notice stating the revised Unit Mix within ten (10) Working Days of the revised Unit Mix being decided and in the further event that the Owners fail to serve any notice set out in this Paragraph 2 of this Schedule the County Council may estimate and determine the Unit Mix as it sees fit acting reasonably.
3. The Payment Notice shall state the Unit Mix on which the payment is to be based.
4. The Completion Notice shall state the final Unit Mix.
5. The County Council covenants with the Owners as follows:
 - 5.1. To place the Education Contribution when received into an interest-bearing account and to utilise the same solely for the Education Purposes;
 - 5.2. If requested in writing by the Owners no sooner than the tenth (10th) anniversary of the date that the Education Contribution is paid to the County Council in full but no later than one (1) year thereafter the County Council shall return to the party that made the payment of the Education Contribution any part of the relevant Education Contribution that remains unexpended when the Education Contribution is paid to the County Council in full (together with interest accrued that relates to that unexpended part) PROVIDED ALWAYS THAT if the County Council is legally obliged to make a payment in respect of any Education Purpose the

unexpended part of the Education Contribution shall not be repaid until such payment is made and the unexpended part of the Education Contribution to be repaid shall not include such payment; and

5.3 Upon receipt of a written request from the Owners prior to the eleventh (11th) anniversary that the Education Contribution is paid to the County Council in full the County Council shall provide the Owners with a statement confirming whether the Education Contributions have been spent and if the Education Contribution has been spent in whole or in part outlining how the Education Contributions have in whole or in part been spent.

6. It is hereby agreed and declared:

6.1 In the event that the Education Contribution is paid later than dates set out in paragraph 1 above then the amount of the Education Contribution or part thereof payable by the Owners shall in addition include either an amount equal to any percentage increase in build costs shown by the Education Index between the Education Index Point prevailing at the date and the payment was due the Education Index Point prevailing at the date of actual payment multiplied by the Education Contribution due or if greater an amount pertaining to interest on the Education Contribution or part thereof due calculated at the SONIA Rate from the date the payment was due until the date payment of the Education Contribution is received by the County Council

6.2 In addition to the requirement of 6.1 above in the event that any sum due to be paid by the Owners to the County Council pursuant to this deed should not be received by the County Council by the date that the sum is due then the Owners hereby covenant to pay to County Council within ten Working Days of receiving a written request all reasonable costs that the County Council has incurred as a result of or in pursuance of such late payment including the sum of fifty pounds sterling (£50) plus the Relevant General Indexation for each and every letter sent to the Owners pursuant to the debt.

6.3 In the event that the Unit Mix to be constructed on the Development does not match the Unit Mix on which the Education Contribution or part thereof paid was based the Owners hereby covenant to pay to the County Council as soon as the revised Unit Mix becomes apparent any additional amount pertaining to the difference between the amount of the Education Contribution paid and the amount of the Education Contribution that would have been payable using the revised Unit Mix and any such additional amount shall from the date payment is received by the County Council form part of the Education Contribution.

6.4 In the event that the Education Contribution is overpaid by the Owners then the County Council shall be under no obligation to return any such overpaid sum or sums in whole or in part if in good faith the County Council has spent the Education Contribution or has entered into a legally binding contract(s) or obligation(s) to spend the Education Contribution otherwise upon being notified of the overpayment by the Owners in writing and within 20 working days of the Occupation of the final Unit on the Property the County Council shall otherwise be under an obligation to return any such overpaid sum or sums in whole or in part if the Owners notify the County Council of such overpayment within ten (10) Working Days of such overpayment having been made to the County Council

6.5 Any dispute in relation to how the Education Contribution has been spent must be raised in writing by the Owners and received by the County Council within two (2) months of receipt by the Owners of the County Council's statement referred to in paragraph 5.3 and shall clearly state the grounds on which the expenditure is disputed

6.6 In the event that no written request is received by the County Council from the Owners pursuant to paragraph 5.2 or no valid dispute is raised by the Owners pursuant to paragraph 6.5 above the Owners shall accept that the Education Contribution has been spent in full on the Education Contribution Purposes

PART 2

Bus Service Contribution and Flitch Way Contribution (together defined as "**Highway Contributions**" for the purpose of this Schedule)

The Owners covenant with the Council and the County Council as follows:

1 BUS SERVICES CONTRIBUTION AND FLITCH WAY CONTRIBUTION

2 The Owners hereby covenant with the County Council:

2.1 To pay the Bus Services Contribution prior to first Occupation of any Residential Dwellings on the Development and not to cause allow or permit first Occupation of any Residential Dwellings unless and until the Bus Services Contribution has been paid to the County Council in full; and

2.2 To pay the Flitch Way Contribution prior to first Occupation of any Residential Dwellings on the Development and not to cause allow or permit first Occupation of any Residential Dwellings unless and until the Flitch Way Contribution has been paid to the County Council in full

3 The County Council hereby covenants with the Owners to:-

3.1 place the Highway Contributions when received into an interest bearing account with a clearing bank and to utilise each of the same for the Bus Services Contribution Purposes and the Flitch Way Contribution Purposes (the "**Highway Contributions Purposes**") as applicable;

3.2 upon receipt of a request in writing to do so to be received by the County Council from the Owners no sooner than the tenth (10th) anniversary of the date of payment to the County Council but no later than 1 year thereafter to return to the party who deposited the Highway Contributions the unexpended part of the Highway Contributions together with interest accrued on the unexpended parts PROVIDED ALWAYS THAT where at the tenth (10th) anniversary of the date of payment to the County Council a legally binding contract has been entered into by the County Council in respect of the Highway Contributions Purposes the unexpended part of each of the Highway Contributions shall not be repaid until such payment is made and the unexpended part of the Highway Contributions to be repaid shall not include such payment.

3.3 that upon receipt of a written request(s) from the Owners prior to the eleventh (11th) anniversary of the date of payment to the County Council the County Council shall provide the Owners with a statement confirming whether the Highway Contributions have been spent and if the Highway Contributions have been spent in whole or in part outlining how the Highway Contributions have in whole or in part been spent

4. It is hereby agreed:

4.1 Any dispute in relation to how the Highway Contributions have been spent must be raised in writing by the Owners and received by the County Council within twenty (20) Working Days of receipt by the Owners of the County Council's statement referred to in paragraph 3.3 above and shall clearly state the grounds on which it is disputed.

4.2 If no written request is received by the County Council pursuant to paragraph 3.2 above or no valid dispute is raised pursuant to paragraph 4.1 above, the Owners shall accept that the Highway Contributions have been spent on the appropriate purposes

4.3 The County Council may utilise up to two percent (2%) of the total amount of the Bus Services Contribution due under this deed to a maximum of Two Thousand Pounds (£2,400) plus Relevant Highway Indexation for the purposes of scheme validation, programming, commissioning of works, scheme monitoring including site visits and meetings, budget control, governance and for the avoidance

of doubt such purposes are agreed by the Owners to form part of the definition of use of the Bus Services Contribution.

- 4.4 In the event that the Highway Contributions or part thereof are paid later than the date payment is due, then the amount of the Highway Contributions or part thereof payable by the Owners shall in addition include an amount equal to any percentage increase in costs shown by the relevant Index between the Index Point prevailing at the date payment is due and the date payment is received by the County Council multiplied by each of the Highway Contributions or part thereof due or if greater, an amount pertaining to interest on the Highway Contributions or part thereof due calculated at the SONIA Rate or such other rate as the County Council deems appropriate from the date payment is due until the date payment is received by the County Council.
- 4.5 In the event that the Highway Contributions are overpaid by the Owners then the County Council shall be under no obligation to return any such overpaid sum or sums in whole or in part if in good faith the County Council has spent the Highway Contributions or has entered into a legally binding contract(s) or obligation(s) to spend the Highway Contributions otherwise upon being notified of the overpayment by the Owners in writing and within 20 working days of the Occupation of the final Unit on the Property the County Council shall otherwise be under an obligation to return any such overpaid sum or sums in whole or in part if the Owners notify the County Council of such overpayment within ten (10) Working Days of such overpayment having been made to the County Council

PART 3

Highway Improvements

The Owners covenant with the Council and the County Council as follows:

1 HIGHWAYS IMPROVEMENTS

1.1 Prior to first Occupation of any Residential Dwellings the Owners shall:

- 1.1.1 enter into a Highway Works Agreement with the County Council and shall not allow cause or permit Occupation of any Residential Dwellings on the Development unless and until the Owners have entered into the Highway Works Agreement to secure the design, construction and completion by the Owners of the Highway Works and their subsequent adoption as publicly maintainable highway.
- 1.1.2 obtain all Necessary Highway Consents.
- 1.1.3 complete the Highway works in accordance with the Highway Works Agreement(s) and shall not Occupy allow cause or permit first Occupation of any of the Residential Dwellings on the Development unless and until the Highway Works have been properly completed in accordance with the Highway Works Agreement(s) and the relevant certificate confirming such completion has been issued under the provisions of the Highway Works Agreement(s)

PART 4

Libraries Contribution

1. The Owners hereby covenant with the County Council to pay the Library Contribution to the County Council prior to Implementation of the Development and shall not implement or cause or allow or permit Implementation of the Development unless and until the Library Contribution has been paid to the County Council in full;
2. In the event that the Library Contribution is paid later than dates set out in paragraph 1 of this Part 4 of this Schedule then the amount of the Library Contribution or part thereof payable by the Owners shall in addition include either an amount equal to any percentage increase in build costs shown by the Library Index between the Library Index Point prevailing at the date the payment is due and the Library Index Point prevailing at the date of actual payment to the County Council multiplied by the Library Contribution due or if greater an amount pertaining to interest on the Library Contribution (or the part thereof) due calculated at the SONIA Rate from the date that the payment is due until the date payment of the Library Contribution is received by the County Council;
3. In addition to the requirement of paragraph 2 of this part 4 of this Schedule above in the event that any sum due to be paid by the Owners to the County Council pursuant to this Schedule should not be received by the County Council by the date that the sum is due then the Owners hereby covenant to pay to County Council within ten Working Days of receiving a written request all reasonable costs that the County Council has incurred as a result of or in pursuance of such late payment including the sum of fifty pounds sterling (£50) plus the Relevant Library Indexation for each and every letter sent to the Owners pursuant to the debt.
4. In the event that the Library Contribution is overpaid by the Owners then the County Council shall be under no obligation to return any such overpaid sum in whole or in part if in good faith the County Council have spent the Library Contribution or have entered into a legally binding contract or obligation to spend the Library Contribution otherwise the County Council shall upon the Occupation of the final Residential Dwelling on the Property or at such earlier time as the County Council shall determine return any such overpaid sum or sums in whole or in part to the Owners (in excess of those sums calculated as due for payment under this deed) together with interest calculated at the SONIA Rate within twenty (20) Working Days of the County Council being informed by the Owners of such overpayment.
5. The County Council hereby covenants with the Owners as follows:
 - 5.1 to place the Library Contribution when received into an interest-bearing account and to utilise the same for the Library Contribution Purpose;
 - 5.2 If requested in writing by the Owners no sooner than the tenth (10th) anniversary of the date that the Library Contribution is paid to the County Council in full but no later than one (1) year thereafter the County Council shall return to the party that made the payment of the Library Contribution any part of the Library Contribution that remains unexpended when the Library Contribution is paid to the County Council in full (together with interest accrued that relates to that unexpended part) PROVIDED ALWAYS THAT if the County Council is legally obliged to make a payment in respect of any Library Contribution Purpose the unexpended part of the Library Contribution shall not be repaid until such payment is made and the unexpended part of the Library Contribution to be repaid shall not include such payment

5.3 Upon receipt of a written request from the Owners prior to the eleventh (11th) anniversary of receipt of the Library Contribution in full the County Council shall provide the Owners with a statement confirming whether the Library Contributions have been spent and if the Library Contribution has been spent in whole or in part outlining how the Library Contributions have in whole or in part been spent.

6. It is hereby agreed and declared:

6.1 In the event that the Unit Mix to be constructed on the Development does not match the Unit Mix on which the Library Contribution or part thereof paid was based the Owners hereby covenant to pay to the County Council as soon as the revised Unit Mix becomes apparent any additional amount pertaining to the difference between the amount of the Library Contribution paid and the amount of the Library Contribution that would have been payable using the revised Unit Mix and any such additional amount shall from the date payment is received by the County Council form part of the Library Contribution;

6.2 Any dispute in relation to how the Library Contribution has been spent must be raised in writing by the Owners and received by the County Council within twenty (20) Working Days of receipt by the Owners of the County Council's statement referred to in paragraph 5.3 and shall clearly state the grounds on which the expenditure is disputed;

6.3 In the event that no written request is received by the County Council from the Owners pursuant to paragraph 5.2 above or no valid dispute is raised by the Owners pursuant to paragraph 6.2 the Owners shall accept the Library Contribution has been spent in full on the Library Purposes as appropriate

Part 5

Residents Travel Plan Monitoring Fee And Residential Travel Packs

4. The Owners hereby covenant with the County Council:

1.1 prior to the Occupation of the Development to formulate and submit to the County Council for approval a Residential Travel Plan and not to cause or allow first Occupation of the Development prior to the Residential Travel Plan being approved in writing by the County Council;

1.2 to appoint a Residential Travel Plan Co-ordinator prior to first Occupation of the Development and not to cause or allow any Occupation of the Development prior to the appointment of a Residential Travel Plan Co-ordinator and to notify the County Council of the identity and contact details of the Residential Travel Plan Co-ordinator as soon as reasonably practicable following the appointment of the Residential Travel Plan Co-ordinator;

1.3 to continue to employ a Residential Travel Plan Co-ordinator for the period until a minimum of one year after the final Occupation of the Development and in the event of a vacancy occurring in the post during that period to re-appoint within a maximum period of two months of the vacancy occurring and to notify the County Council as soon as reasonably practicable following the appointment;

1.4 to use reasonable endeavours to ensure that the Residential Travel Plan Co-ordinator fulfils their duties in accordance with the duties specified in the job description of the Residential Travel Plan Co-ordinator stated in the approved Residential Travel Plan;

- 1.5 not to change the responsibilities or role of the Residential Travel Plan Co-ordinator without prior written approval of the County Council;
- 1.6 to implement the Residential Travel Plan in a timely manner and at its own expense and to comply in all respects with the requirements of the Residential Travel Plan for a period of one year after the final Occupation of the Development;
- 1.7 to pay the first annual Residential Travel Plan Monitoring Fee to the County Council prior to Occupation of the Development and not to allow Occupation of the Development until the Travel Plan Monitoring Fee has been paid to the County Council and in the case of late payments interest will be payable by the Owners from the date payment is due to the date payment is made on which late sums interest shall accrue under the SONIA Rate;
- 1.8 to pay the annual Residential Travel Plan Monitoring Fee to the County SONIA Rate on each subsequent anniversary following the first annual payment until one year after the final Occupation of the Development and in the case of late payments interest will be payable by the Developer and or the Owners from the date payment is due to the date payment is made on which late sums interest shall accrue under the SONIA Rate;
- 1.9 to submit raw data collected as part of the Annual Traffic Count no later than two months from completion of the Annual Traffic Count to which the data relates; and
- 1.10 in the event that any of the Annual Traffic Counts and the Targets are not carried out by the Owners pursuant to the Residential Travel Plan the County Council shall on written notice to the Owners be entitled to conduct such Annual Traffic Counts as are necessary to discharge the requirements of the Residential Travel Plan and furthermore on receipt of an appropriate invoice or request for payment from the County Council acting reasonably the Owners hereby agrees to pay the costs arising from such surveys.

5. The County Council hereby covenants with the Owners:

- 2.1 to agree the terms of the Residential Travel Plan (acting reasonably) and to provide recommendations on the said plan following submission by the Owners in a timely manner;
- 2.2 to provide support and advice to the Residential Travel Plan Co-ordinator in implementing the ongoing monitoring and review of the Residential Travel Plan (in accordance with the terms under which the Residential Travel Plan Monitoring Fee was paid); and
- 2.3 to respond in writing to the Residential Travel Plan Co-ordinator within two months of receipt of any correspondence relating to the Residential Travel Plan.

Travel Information Packs

6. The Owners further hereby covenant with the County:

- 6.1 to submit a draft Residential Travel Information Pack (including Travel Vouchers) to the County Council for written approval prior to first Occupation of a Dwelling and not to cause or allow first Occupation of a Dwelling prior to the Residential Travel Information

Pack (including Travel Vouchers) being submitted to and approved in writing by the County Council;

- 6.2 to provide the first occupier of each Dwelling with an approved Residential Travel Information Pack and Travel Vouchers prior to Occupation of any Dwelling and not to cause or permit Occupation of any Dwellings on the Development unless and until the Owners have provided the first occupiers with an approved Residential Travel Information Pack and Travel Voucher at the expense of the Owner; and

SCHEDULE 5

Council's Covenants

The Council covenants with the Owners as follows:

1 HATFIELD FOREST FINANCIAL CONTRIBUTION

- 1.1 To pay the Hatfield Forest Financial Contribution into a separately identified interest-bearing section of the Council's combined accounts as soon as reasonably practicable
- 1.2 Not to use any part of the Hatfield Forest Financial Contribution other than for the purposes for which was paid (whether by the Council or another party) PROVIDED ALWAYS THAT the Council may pay the whole or any part of the Hatfield Forest Contribution to the National Trust on the condition that the National Trust uses the Hatfield Forest Contribution for the said purposes.
- 1.3 In the event that the Hatfield Forest Financial Contribution has not been spent or committed for expenditure by the Council or paid to the National Trust in accordance with paragraph 1.2 within five (5) years following the date of receipt of the Hatfield Forest Financial Contribution the Council shall refund to the to the party from whom it received the Hatfield Forest Financial Contribution any part of the Hatfield Forest Contribution which has not been spent or committed for expenditure, together with any accrued interest.

2 HEALTHCARE FACILITY CONTRIBUTION

- 2.1 On receipt to transfer the Healthcare Facility Contribution to the NHS West Essex Clinical Commissioning group without any undue delay.

3 OPEN SPACE COMMUTED SUM

- 3.1 On receipt to transfer the Open Space Commuted Sum to Little Dunmow Parish Council without any undue delay.

ANNEX A

Nominations Agreement



(RP LOGO)

Uttlesford Nominations Agreement

1.0 Principles

1.1 Uttlesford District Council ("the Council") and ___(*RP name*)_____ ("the Registered Provider") intend to work together to:

- Address housing need
- Operate an efficient and effective nominations process

1.0 Introduction

1.1 This agreement is made between The Registered Provider and the Council on (*insert date*)_____

1.2 This agreement should be read in conjunction with the Council's Housing Allocations Policy and Tenancy Strategy. The Housing Allocations Policy sets out the Council's criteria for prioritising households on its Housing Register. The Tenancy Strategy sets out the Council's position on Flexible/Fixed-term Tenancies and Affordable Rents.

1.3 This agreement applies to general needs and sheltered housing let on fixed- term assured shorthold/assured lifetime tenancies let at a Social or Affordable Rent.

2.0 The Agreement

2.1 The Registered Provider agrees to grant the Council 100% nomination rights in respect of the first letting and 75% nomination rights in respect of the subsequent re-lettings of each residential accommodation property listed in Appendix 1 to this agreement ("Appendix 1 properties").

3.0 Nominations

3.1 When an Appendix 1 property is available for first letting or (where the Council has nomination rights) for re-letting:

3.1.1 The Registered Provider must send a completed nomination request form to the Council's Housing Options Team via email.

3.1.2 On receipt of the completed nomination request form the Council will upload details of the property onto its Choice Based Lettings platform for advertising at the next bidding cycle provided that the nomination request is received by 1pm on a Wednesday.

3.1.3 Nomination requests will not be accepted for advertisement unless the property is ready to let within 8 weeks.

3.1.4 Properties are advertised on a weekly cycle from 9am each Friday until close of bids at 1pm on the following Wednesday. After close of bids, the Council will endeavour to provide the Registered Provider with the details of one nominee within five working days. The details provided to the Registered Provider will consist of a copy of the nominee's application form and a nomination form. The Council will provide only one nominee at a time. Any request for more than one nominee may be approved by the Housing Options Team Leader only in exceptional circumstances.

3.1.5 The Registered Provider must accept the Council's prioritisation of housing need and let the property in accordance with the nomination unless any of the reasons for rejection of the nomination listed at paragraph 3.1,6 below or in the case of new build developments any relevant stipulations in an agreement made under sections 106 and/or 106A of the Town and Country Planning Act 1990 applies.

3.1.6 The Registered Provider may reject nominations if any of the following applies:

- The nominee's circumstances have changed and they no longer satisfy the relevant eligibility criteria for the allocation of the property.
- The property is unsuitable on medical/social/affordability grounds (with agreement of the Housing Options Team Leader).
- The nominee has viewed property and received a verbal offer but fails to agree or refuse the offer within 24 hours.

- The nominee or their representative fails to respond to initial contact within 48 hours (the Housing Options Officers can assist with making contact).
 - The property was advertised as a sensitive let and the Housing Options Team Leader agrees that the nominee is not suitable for housing management reasons.
 - For emergency and transitional housing management reasons.
 - The property does not have a re-let date because there is outstanding work to be completed.
 - The nominee does not meet the criteria of the Registered Provider's Allocations Policy
 - In exceptional circumstances where it transpires that an offer of accommodation would put a vulnerable person at risk of harm (to be agreed with the Housing Options Team Leader).
- 3.1.7 The Registered Provider must provide the Council's Housing Options (Allocations) Officer with detailed written reasons for the rejection of a nomination.
- 3.1.8 The Registered Provider must provide an explanation of its internal decision review procedure to the nominee.
- 3.1.9 Unless the Housing Options Team Leader otherwise agrees, the Council will not provide a fresh nomination if the rejection is in dispute with the nominee.
- 3.1.10 The Council will endeavour to provide a fresh nomination within 3 working days of receiving notification of a rejection.
- 3.1.11 The Registered Provider must inform the Council's Housing Options (Allocations) Officer of the tenancy commencement date within 5 working days of the date when the tenancy agreement is signed by the tenant.
- 3.1.12 In the event that the shortlist is exhausted (there are no eligible applicants remaining), the Council may provide a "direct let" by nominating an applicant from the Housing Register who is not on the shortlist. If the Council is unable to fulfil another nomination, the property will need to be advertised again to generate more interest.
- 3.1.13 In the event that the Council is unable to provide a nomination within the agreed timescales the Council will notify the Registered Provider that the property is labelled "hard-to-let". The Registered Provider may then allocate the property to someone not on the Housing Register provided that the allocation is in accordance with the relevant provisions of any Town and Country Planning Act 1990 section 106 agreement which applies to the property. The Registered Provider will ensure the Council is provided with the details of the successful nominee.

3.1.14 In the event that the Registered Provider requests for a property to be withdrawn from advertising on the Choice Based Lettings platform that property shall not count towards the Council's nomination rights for the purposes of paragraph 2.1 of this agreement.

3.1.15 Uttlesford District Council expects Registered Provers to operate a flexible policy in respect of any requests for a deposit or rent in advance so as not to disadvantage an applicant. The Council will not have responsibility for payment of these charges.

4.0 Monitoring and Dispute Resolution

4.1 The Council will monitor all lettings to ensure they adhere to the provisions of this agreement.

4.2 An annual voids and lettings return will be completed by the Registered Provider. The return must show the details of all properties that have become void in the Uttlesford District and whether these properties were subsequently let through its Choice Based Lettings scheme. The return must list first lets and re-lets separately. The Registered Provider must send the return to the Council not more than four weeks after the end of the relevant financial year.

4.3 This agreement will be reviewed every 2 years or sooner if a major amendment is considered necessary. Nominations policy and procedure may be discussed at liaison meetings to be held at least once a year.

4.4 This agreement may only be varied in writing and with the agreement of the parties.

4.5 In the event of any dispute or difference arising between the Council and the Registered Provider in connection with the terms of this agreement, such dispute or difference should be raised in the first instance by the Registered Provider with the Council's Housing Options Team Leader. Where a resolution is not forthcoming the matter should be referred to Senior Management level and if necessary escalated to Director/Assistant Director level. Any dispute or difference regarding this agreement arising from the Council will be raised in the first instance with the service manager of the Registered Partner. Where a resolution is not forthcoming the matter should be referred to Senior Management level and if necessary escalated to Director/Assistant Director level.

Signed

Uttlesford District Council

Signed

X Registered Provider

Appendix 1: (Name of RP) properties in the Uttlesford district (date)

Property size	Quantity
0 bed	
1 bed	
2 bed	
3 bed	
4 bed	
5 bed	
Total	

Address Line1	Address Postcode	No Bedrooms	Of	Property type
---------------	------------------	-------------	----	---------------

ANNEX B

Extract from Allocations Policy

The Band Criteria

8.1.6.1 BAND A

Applicants meet at least one of the following criteria

- i. Accepted Homeless in severe need
- ii. Critical Medical/Welfare award – to include emergency situations
- iii. Relationship breakdowns in council properties where applicants are under-occupying but have been assessed as having housing need within Uttlesford
- iv. Successor tenants in council properties where applicants are under-occupying
- v. Releasing a property in need (council or RP property that the Council has nominations rights to) or where it prevents the Council making expensive alterations to a property
- vi. Those applicants within Uttlesford required to leave their homes as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004
- vii. Uttlesford Council tenants, or tenants in RP property where the Council will receive the nomination, who are currently in accommodation larger than their needs (Uttlesford tenants may be eligible for removal expenses grant see paragraph 9.21 below)
- viii. Multiple needs - If someone has two or more needs in band B they will be moved to band A (accepted homeless cases do not come under this category – if additional preference is needed for homeless cases they will be assessed as accepted homeless in severe need)

8.1.6.2 High welfare and multiple needs in band A would be expected to express an interest within 4 cycles of available properties otherwise priority may be reduced.

8.1.6.3 BAND B

Applicants meet at least one of the following criteria

- i. Serious Medical/Welfare award (If after 6 months applicants have not expressed interest in all suitable advertised properties this award will be reviewed and applicants may be placed in a lower band)
- ii. Social housing tenants living in overcrowded permanent social housing within Uttlesford

- iii. Accepted homeless cases who meet the Allocation's Policy eligibility criteria
- iv. Applicants owed a relief duty under the Homelessness Reduction Act 2017 who are assessed by the council as likely to be in priority need and unintentionally homeless
- v. Nominations from supported housing schemes where the Council has agreed move-on arrangements and the applicant is ready to move on. These applicants will be able to use the CBL scheme for a period of 4 weeks from the date they are placed into this band to express interest in any suitable flatted accommodation. If they have not been successful after the end of this period they will be made one offer of suitable flatted accommodation which may be either in the private or social sectors which if they refuse will result in them being down banded to a band that reflects their housing need.
- vi. A prohibition order or demolition order has been served, or is about to be served in relation to the applicant's dwelling. This indicates that the property contains one or more category 1 hazards that probably cannot be remedied.
- vii. An improvement notice has been, or is about to be, served in relation to the applicant's dwelling and :-
 - a. The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time
 - b. The cost of the remedies are beyond the means of the applicant (where applicable)
 - c. The remedies will make the property unsuitable for occupation by the applicant
- viii. Multiple needs – Applicants with four or more needs in band C will move to band B

8.1.6.4 BAND C

Applicants meet at least one of the following criteria

- i. Moderate medical/welfare award
- ii. Notice of Seeking Possession due to expire within 56 days or assessed as being at risk of homelessness within 56 days
- iii. Applicants who are owed the relief duty under the Homelessness Reduction Act 2017 but who are assessed by the council as likely to not be in priority need
- iv. Applicants who are owed the relief duty under the Homelessness Reduction Act 2017 but who are likely to be intentionally homeless
- v. Applicants who following a homelessness application have been deemed by the council to be in priority need but intentionally homeless

- vi. No fixed abode
- vii. Overcrowded in private rented accommodation or social housing outside Uttlesford
- viii. Fixed term licensees
- ix. Shared facilities – not generally applicable for single applicants under 35yrs
- x. Lacking facilities
- xi. A hazard awareness notice has been served in relation to a category 1 or 2 hazard at the applicant's dwelling

and

the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time;

or

the cost of the remedies are beyond the means of the applicant (where applicable);

or

the remedies will make the property unsuitable for occupation by the applicant

8.1.6.5 BAND D

- i. Applicants assessed as meeting Right to Move criteria who have been placed in one Band higher than their housing need.
- ii. Any applicant subject to the prevention (s.195 (2) or the relief duty (s189(2): S.193B(1).) under the Homelessness Reduction Act 2017 who fails to co-operate as stated in s193B and 193C of the Act will be placed in Band D.

8.1.6.6 BAND E

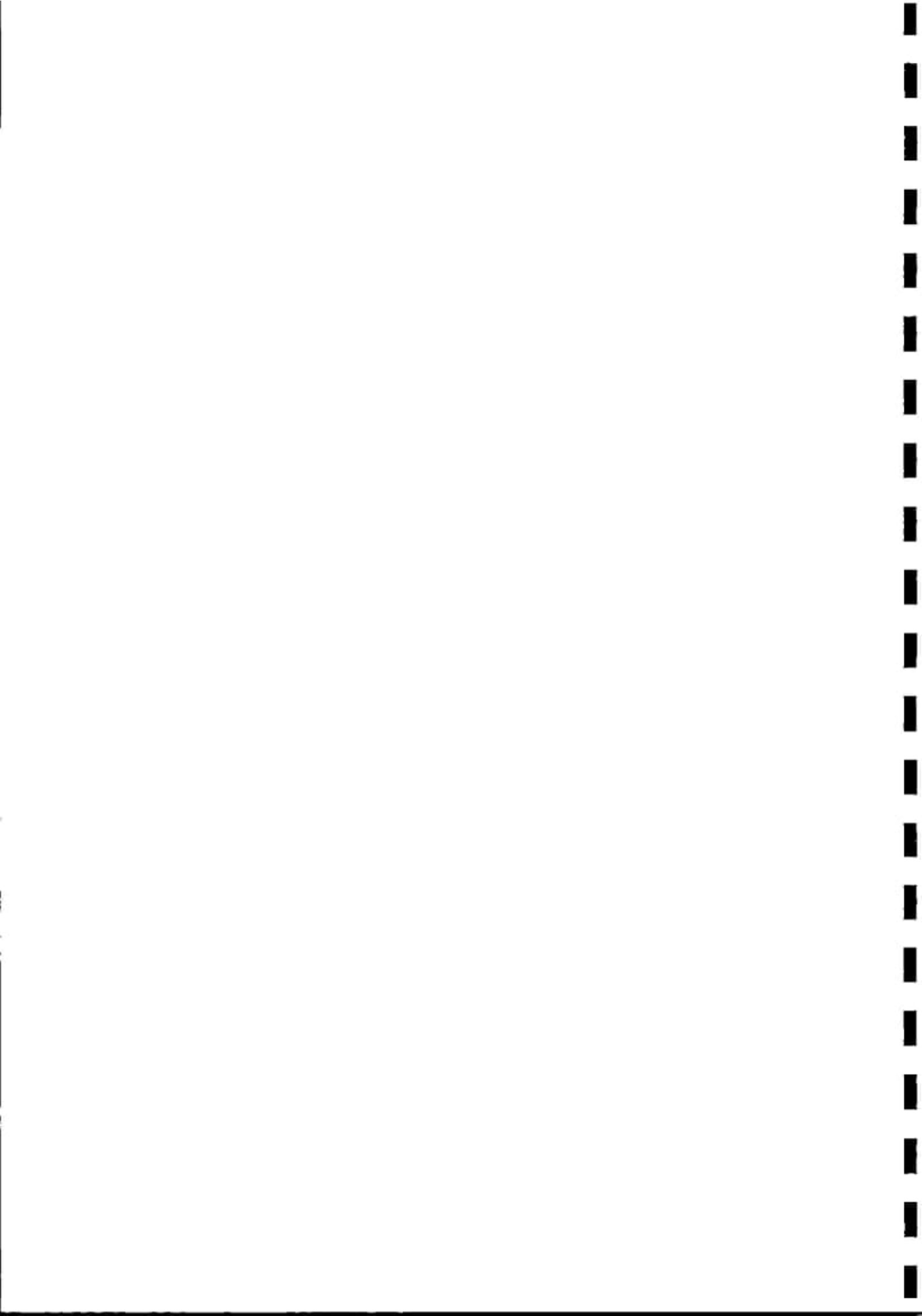
Applicant meets at least one of the following criteria

- i. Caravan or mobile home but no housing need
- ii. Tied accommodation but no housing need

- iii. Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities.
- iv. Applicants aged under 35 years who are sharing accommodation
- v. In prison
- vi. A suspended prohibition order or improvement notice has been or will be served by the Environmental Health Department in relation to the applicant's dwelling but the criteria leading to it becoming active are not met by the applicant.
- vii. A hazard awareness notice or improvement notice has been or will be served in relation to the applicant's dwelling but the specified remedies are low cost and straight-forward to achieve.

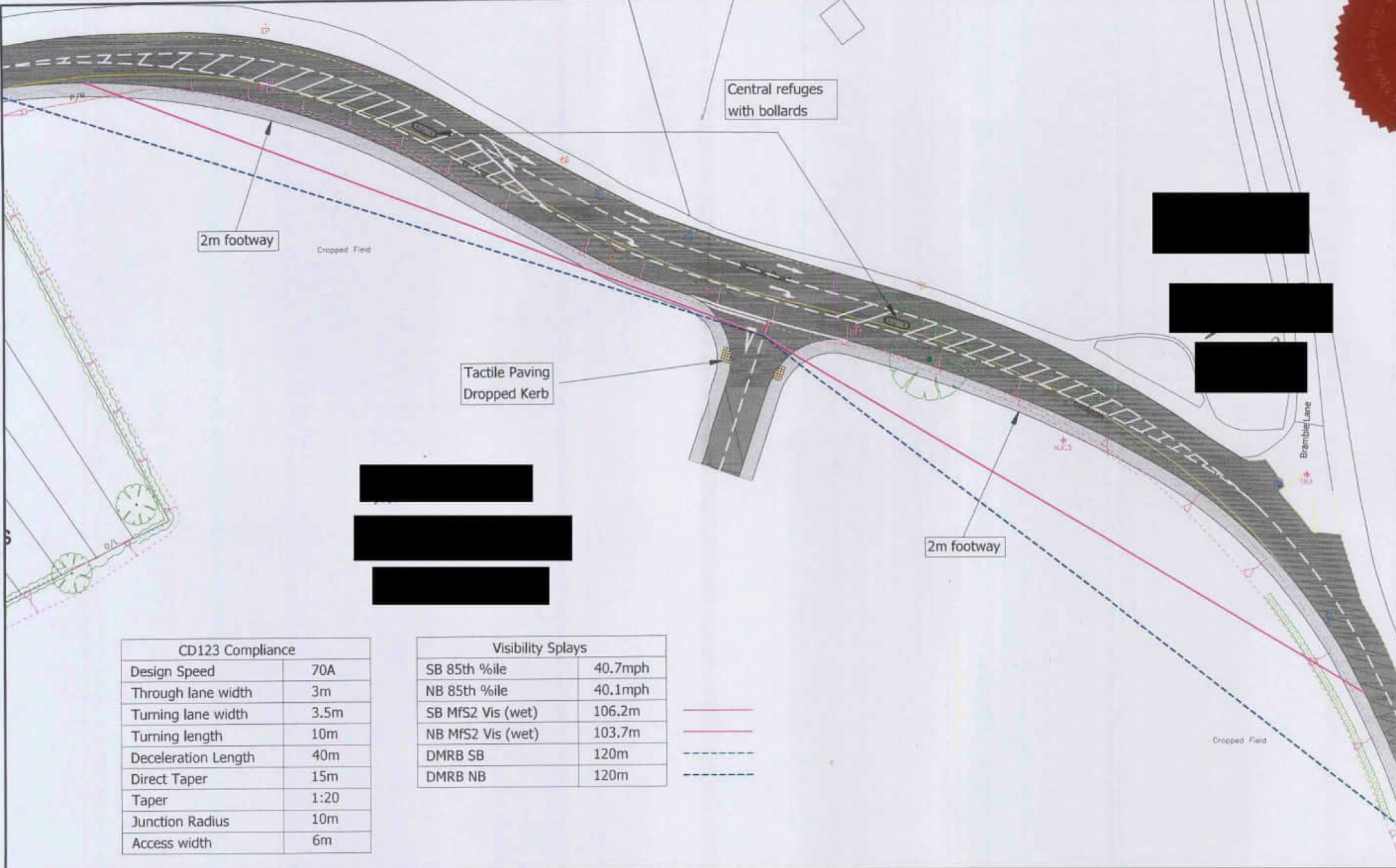
ANNEX C
Highway Works Drawing

f





Attesting Witness



CD123 Compliance	
Design Speed	70A
Through lane width	3m
Turning lane width	3.5m
Turning length	10m
Deceleration Length	40m
Direct Taper	15m
Taper	1:20
Junction Radius	10m
Access width	6m

Visibility Splays	
SB 85th %ile	40.7mph
NB 85th %ile	40.1mph
SB MFS2 Vis (wet)	106.2m
NB MFS2 Vis (wet)	103.7m
DMRB SB	120m
DMRB NB	120m



Based upon the DISTANCE SURVEY MAPS with the permission of THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © Crown Copyright AL 10030412

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NO.	REVISION	DATE	BY	CHKD	DATE



Produce Name, Description, Marking to Add, Date/Revision, Date, Tel, Fax, Email, Website

PROJECT	Moors Field, Fitch Green	DRAWN BY	Cotesby Land & Planning Ltd
DESCRIPTION	Proposed Site Access		
	Right Turn Lane General Arrangement		
SCALE	1:500@A3	DATE	Feb 22
REVISION	DN	DATE	2226B-04

This document has been executed as a deed and takes effect on the date stated at the beginning of it.

The Common seal of UTTLESFORD DISTRICT COUNCIL Was affixed to this document in the presence of:))))	 [Redacted] 25/03/23 Authorised signatory
The Common seal of ESSEX COUNTY COUNCIL Was affixed to this document in the presence of:))))	[Redacted] DANINA GLOSS Attesting Officer 

43902

<p>Signed as a deed by BENJAMIN HAWKES</p> <p>in the presence of: [Redacted]</p> <p>Signature of Witness [Redacted]</p> <p>Name of Witness [Redacted]</p> <p>Address of Witness [Redacted]</p> <p>Occupation of Witness</p>	<p>[Redacted]</p> <p>Signature</p>
<p>Signed as a deed by WILLIAM HAWKES</p> <p>in the presence of: [Redacted]</p> <p>Signature of Witness [Redacted]</p> <p>Name of Witness [Redacted]</p> <p>Address of Witness <i>AREA LAND DIRECTOR</i></p> <p>Occupation of Witness</p>	<p>[Redacted]</p> <p>Signature</p>

Executed as a deed by)

CATESBY LAND AND PLANNING LIMITED)

acting by a director and a)

Director or its secretary)

Director:



Director/Secretary



APPENDIX 4. APPROVED DESIGN CODE

Moors Fields

Design Code

November 2022

Catesby Estates plc

part of Urban & Civic



Design Code

Moors Fields, Station Road, land to the north of Flitch Green

November 2022



above: The site lies to the east of the centre of Little Dunmow, the north of Flitch Green, and north west of Felsted.

Contents

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2. Key Benefits	5
3. Development Framework	6
4. Integrated Neighbourhoods	8
5. Distinctive Places	10
6. Streets for All	22
7. Responding to Climate Change	28
8. Conclusion	30

This design code sets out details for future reserved matters applications to follow, which will create a successful, landscape led design, which focuses on the Building for a Healthy Life criteria and responds to climate change.

1. The Vision

The development at Moors Fields provides:

- Up to 160 new homes, in a range of types and sizes to meet local policy requirements and identified need.
- 40% of the housing would be affordable housing.
- Over 60% of the site would form generous public open space, which could be laid out as a countryside park and include community allotments and orchard space.
- Significant new tree planting both around the public open space and throughout the development which strengthens the recreational role of the Moors as a woodland resource.
- A circular walking and cycle trail connected to the existing Public Right of Way and Fritch Way National Cycle Route.
- The provision of new children's play areas.
- An area to accommodate flexible office space (an office hub), providing opportunities for local working.
- Improved pedestrian and cycle connections to Fritch Green.



above: Precedent images for open spaces within the scheme

2. Key Benefits



Access to new open spaces for leisure and recreation, including children's play space and natural green space



New footpaths creating a circular route linked to the existing footpath network in the area, including the Flich Way



The protection and enhancement of existing landscape and biodiversity habitats, including new tree planting



The creation of a new office hub to provide workspace for local residents to help reduce the need to travel



Mix of family homes, including affordable properties, increasing opportunities for home ownership and rental in the local area



Highways improvements, including potential upgrades to pedestrian and cycle movement networks



Economic support for local businesses and services arising from new residents coming into the area



Good links to and support for the facilities and services in the surrounding area



Buildings designed to the 2025 Future Homes Standard, delivering Net Zero Ready homes which reduce carbon emissions by at least 75% beyond the current regulations



Increased use of existing bus routes as a result of new residents travelling in the area



Section 106 agreement and New Homes Bonus opportunities to benefit the local area



Employment opportunities including full time and supply chain jobs during the construction period

3. Development Framework

3.1.1 The main land use on the site will be residential development of up to 160 dwellings, with associated public open space, surface water attenuation and structural landscaping. The development parcels illustrated opposite include roads, footpaths, private gardens and parking areas.

3.1.2 The site will deliver around 8.4ha of open space, with the main open space found to the north, west and south of the site in the form of a countryside park. Green links are created within the development area to provide a landscaped setting to the proposed new homes.

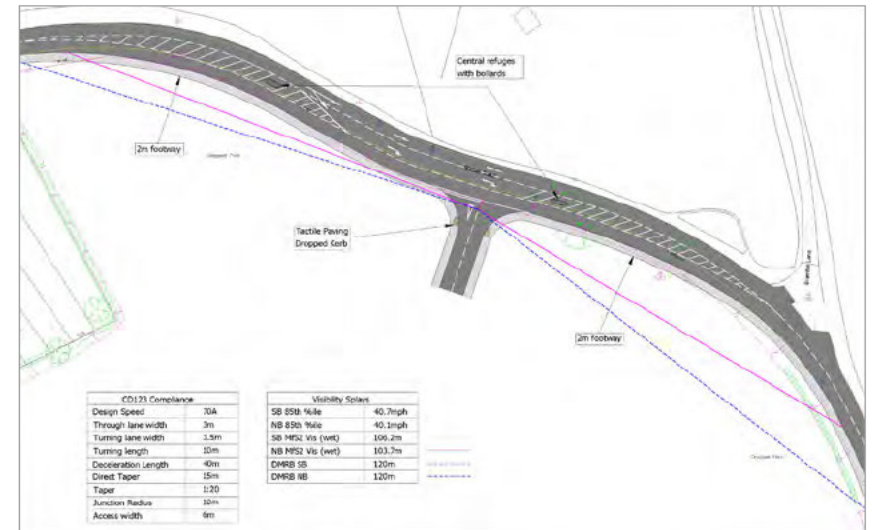
3.1.3 The density across the site should be varied with lower density along the interfaces with the northern open space, medium density within the centre of the site and higher density along the southern edge of the site. The average density based on 160 dwellings within 5.54ha of development area is around 30dph.

3.1.4 40% of the total number of homes provided will be affordable homes with a mix of dwellings provided in compliance with local policy. The affordable homes will be of the same design as the market housing to ensure the scheme is tenure blind.

















3.1.5 The site also includes a 100sqm office hub which will provide local workspace, reducing the need for residents to travel to work.

3.1.6 The road layout within the scheme will ensure suitable vehicle access to all properties, and include some shared space streets to minimise vehicle speeds.

3.1.7 The next sections of this document provide guidance and high level design coding to guide future reserved matters applications. The sections illustrate how development at the site can positively respond to the three key headings of Building for a Healthy Life guidance and their respective sub-headings.



above: Proposed Right Turn Lane Site Access (DTA)

-  Site boundary
-  Proposed all modes access
-  Existing access to Public Right of Way - footpath
-  Proposed pedestrian and cycle access
-  The Flitch Way / Saffron Trail (offsite)
-  Existing Public Right of Way retained
-  Existing pedestrian / cycle link to Flitch Green / Little Dunmow
-  Existing trees retained
-  Existing scrub / woodland retained
-  Existing stream retained
-  Proposed development area (to include streets, residential development, an office hub and green corridors)
-  Proposed public open space (to include drainage attenuation, landscape buffers, countryside park, allotments, community orchard and children's play)
-  Proposed landscape buffer (min. 8m along boundaries with adjacent properties, min. 16m along site frontage)
-  Proposed green corridors within the development area (exact location and size to be determined at Reserved Matters stage)
-  Proposed swale corridors within the development area (exact location and size to be determined at Reserved Matters stage)
-  Proposed surface water attenuation area (exact location and size to be determined at Reserved Matters stage)

Total Development Area 5.54ha
Total Open Space 8.42ha

NB:
 The development area illustrated allows for a limited deviation of 5m either side of the line, except for when immediately adjoining existing properties, the site frontage and root protection areas for retained trees.

illustrative residential layout (permission granted)

illustrative residential layout (permission granted)

existing traveller site

Flitch Way

Harrison's Road

Ainsworth Drive

Station Road

above: The development framework plan

4. Integrated Neighbourhoods

This chapter explains how the Development Framework Plan satisfies the Integrated Neighbourhoods sub-headings in the Building for a Healthy Life guidance and outlines the measures proposed to support the creation of a beautiful development at the future reserved matters stages.

4.1 Natural Connections

4.1.1 The proposed landscape treatment and development set back along the site's frontage with Station Road will help to maintain the character and settlement distinction between Pound Hill and Flitch Green.

4.1.2 The framework plan demonstrates that a significant proportion of the site will deliver multi-functional and publicly accessible green spaces within and around the edges of the development. This green space provides potential for significant ecological enhancement as well as for leisure, children's play and recreation.

4.1.3 Development can 'round-off' Flitch Green and provide a positive and transitional development density to the edge, improving upon the current edge condition.

4.1.4 As part of the open space strategy, existing landscape areas must be managed and enhanced, improving on site biodiversity.

4.1.5 A new network of high quality pedestrian and cycle routes must be formed between the pedestrian / cycle access arrows on the Development Framework Plan. These will predominantly pass through open spaces but where appropriate will link into the proposed street network.

4.1.6 Improved pedestrian and cycle access from the site onto the Flitch Way will be required.

4.2 Walking, Cycling and Public Transport

4.2.1 The development must provide direct routes through the site towards the bus stops to the north and south of the site to promote their use.

4.2.2 Additional connections onto the Flitch Way at both the eastern and western corners of the site to promote walking and cycling must be provided.

4.2.3 The development must upgrade appropriate sections of the Flitch Way to provide better connections between the site and Flitch Green. These upgrades will require the agreement of the Friends of the Flitch Way and Associated Woodlands who control the land.

4.2.4 Upgrades to local bus stops must also be provided, to encourage their use. These upgrades should be agreed with Uttlesford District Council.

4.2.5 A convenient cycle route must be provided through the site, either within the street layout or around the edge of the development. The highway network must be designed for a 20mph design speed to ensure low speeds create an attractive environment for cycling.

4.3 Facilities and Services

4.3.1 The site must provide a mix of uses. This could include a 100sqm office hub which should be placed in an appropriate location which promotes its use. The office hub should have active frontage to promote a safe and secure environment. It should be managed by a suitable local group and provide a fast internet connection.

4.3.2 The site should provide opportunities for community food growing at allotments or a community orchard. These facilities should also be managed by a suitable local group.

4.3.3 The site must provide opportunities for play in the form of a LEAP and and LAP. All dwellings must be within the recommended walking distance for one or more of these facilities. Further opportunities for doorstep play within green spaces must be provided within green corridors across the site.

4.4 Homes for Everyone

4.4.1 The development must provide a mix of different house types and tenures broadly in accordance with the Council's SHMAA assessment, to suit local needs. This will include 1, 2, 3 and 4 bedroom homes.

4.4.2 This may include first time buyer homes, family homes, homes for those downsizing and supported living.

4.4.3 A variety of different types of homes must be provided, including apartments, terraces, semi-detached and detached properties.

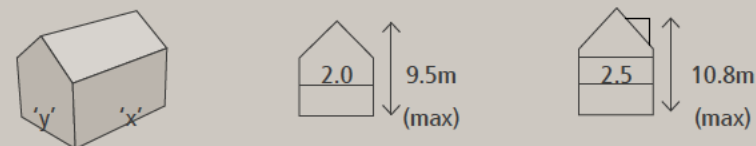
4.4.4 The homes must meet accessibility standards in building regulations and the local requirement for 5% wheelchair accessible dwellings.

4.4.5 40% of the homes must be affordable homes.

4.4.6 The affordable homes must be of the same design as the market housing to ensure the scheme is tenure blind.

4.4.7 All houses must have access to private outdoor space.

Approximate building dimensions



type	length (x)	width (y)
all units	4m min 30m max	6m min 15m max

4.4.8 All flats must have access to shared outdoor space and/or private outdoor space, such as a balcony, depending on the number of bedrooms provided..

4.4.9 The residential dwellings will be either 2.0 or 2.5 storeys in height. The buildings must follow the building dimensions parameters listed above.

4.4.10 2.5 storey dwellings should be used in key locations such as street corners to create a varied roofscape and should only be located within the centre of the development area. Dwellings which are 2.5 storeys will have dormer windows to their street elevations to allow the use of roof space, whilst maintaining a lower roof height than a three storey dwelling.

5. Distinctive Places

This chapter explains how the Development Framework Plan satisfies the Distinctive Places sub-headings in the Building for a Healthy Life guidance and outlines the measures proposed to support the creation of a beautiful development at the future reserved matters stages.

5.1 Making the most of what's there

Access & Movement

5.1.1 The main vehicular access into the site will be from Station Road, the main through movement route in the area.

5.1.2 As illustrated in the "Development Framework" section of this document, the development access must provide a minimum 5.5m wide carriageway with 2.0m wide footways connecting to the existing footpath network on Station Road.

5.1.3 Development of the site will support improvements to the wider pedestrian and cycle network from the site, including improved footway provision along Station Road and enhanced connections from the site to the Flich Way.

Landscape

5.1.4 The Development Framework Plan has worked to retain existing landscape and vegetation features within the proposed public open space network, and has adopted a landscape led approach through the provision of a significant area of Countryside Park.

5.1.5 Strategic tree and hedgerow planting must be located in public open space and within key streets through the development.

5.1.6 The ecological survey work undertaken on site has carefully informed the design approach and proposed strategies will ensure that habitats are conserved and enhanced along with the provision of a network of new habitats.



above: View from by The Moors woodland looking towards the north western corner of the site, showing the sloping landform of the site.

opposite: Example site section.

Topography

5.1.7 Working with the existing topography, the proposed homes must step down the contours of the site to keep the building ridge heights as low as possible. This will minimise the appearance of the buildings in long range views.

5.1.8 Drainage attenuation must be located at the lowest part of the site. This should take the form of a linear drainage feature with shallow sloping grass sides. See the illustrative site section below for more detail on how this could be achieved.

Archaeology & Heritage

5.1.9 As illustrated in the Development Framework Plan, the built form of the development must be set approximately 150m away from the site's western boundary and behind a significant countryside park area. This will limit the effects on the designated heritage assets Willow Cottage, Ivy

House and the Church of St Mary the Virgin. New planting must be introduced into this area to further screen the development.

Ecology

5.1.10 As shown on the development framework plan, the The Moors woodland must be retained and integrated into the public open space. It is appropriate to remove some of the shrubs and woodland to reopen the footpath on its correct alignment and allow natural surveillance.

5.1.11 As described in the "Green and Blue Infrastructure" section of this document, a range of wildlife friendly features must also be incorporated (i.e. bat and bird boxes).

5.1.12 Soft landscaping within the countryside park will include habitats such as grasslands (featuring wildflower) and large vegetative buffers to the boundaries providing a permeable site for wildlife.

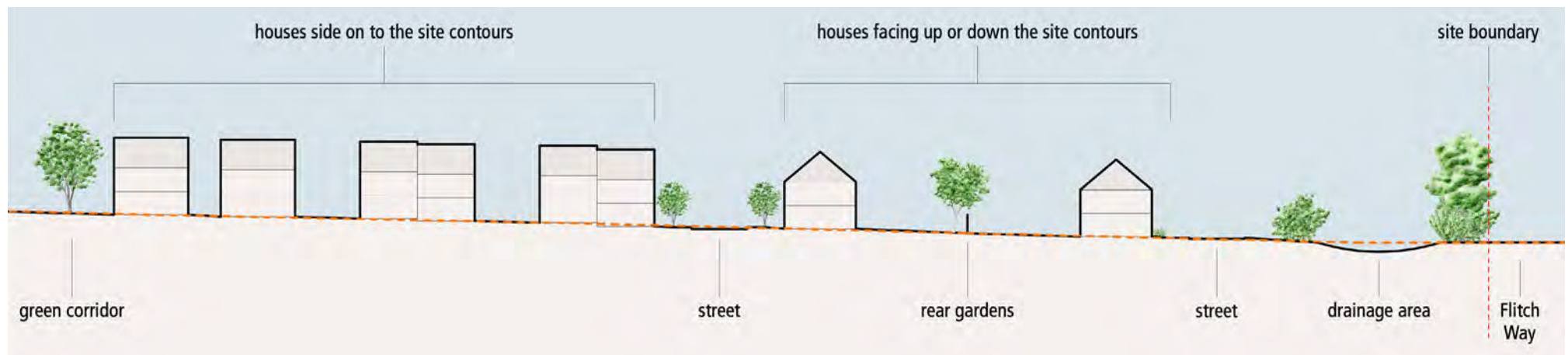
Utilities

5.1.13 The existing foul sewer, with an associated easement, which runs through the centre of the site, must be contained within the highway network or open space to allow for future maintenance.

Air Quality, Noise and Light

5.1.14 At the reserved matters stage, an air quality assessment must be undertaken and, if appropriate, proportionate measures incorporated to mitigate impacts.

5.1.15 The proposed lighting solution must be sympathetic to the local surroundings to avoid over lighting, sky glow and glare.



5.2 A Memorable Character

5.2.1 The development must have strong form that aids legibility and creates character.

5.2.2 Development must contain a mixture of building types from smaller homes to larger detached houses. Dwellings sizes should be varied within the layout of the development to create elevational interest and contrast in scale, detailing and materials.

5.2.3 The density within the development must be varied to convey the transition from developed area to the edge of settlement, with building forms that respond to this change. Density in the local area varies from around 15dph to 36dph. The development should have an average density of approximately 30dph to make best use of available land.

5.2.4 Good sized gardens for family houses must be included within the development, in line with the specifications set out in the Essex Design Guide.

5.2.5 Open spaces must be usable and well-overlooked to provide good passive surveillance and encourage use by residents.

5.2.6 Three Character Areas must be created within the development as follows:

1. Landscape Edge
2. Development Core
3. Neighbourhood Edge

5.2.7 The different characteristics of the dwellings within these character areas are set out in the character area descriptions that follow on the next few pages.

5.2.8 Local materials and details must be used within a contemporary context to reflect the built heritage of the area. This should include linking buildings, in appropriate areas, with carriage arches, both with and without first floor accommodation above. Examples of good design are follow on from the Character Area descriptions



Character Area 1. Landscape Edge	
Density	20 dph
Storey heights	2 storeys
Dwelling types	Detached (frequent)
	Semi-detached (common)
	Terraced (none)
	Apartments (none)
Linked dwellings	Occasional
Wall materials	Red brick (occasional)
	Smooth pastel render (frequent)
	Horizontal wooden cladding (common)
Roof materials	Brown tiles
	Red tiles
Doors colours	Muted tones
Windows	Casement Windows
	White frames
Window details	Vertical brick headers to brick properties in the same colour as walls
	Unexpressed lintels to render/ wooden clad properties
Chimneys	Chimneys in line with walls or as a feature on gable ends



opposite: Character Areas Plan

above: Artists impression of the Landscape Edge character area

Character Areas 2. Development Core	
Density	30 - 35 dph
Storey heights	2 storeys
Dwelling types	Detached (minimal)
	Semi-detached (frequent)
	Terraced (common)
	Apartments (minimal)
Linked dwellings	Common
Wall materials	Red brick (frequent)
	Smooth pastel render (common)
	Horizontal wooden cladding (occasional)
Roof materials	Brown tiles
	Grey slate
Doors colours	Strong tones
Windows	Casement Windows
	White frames
Window details	Vertical brick headers to brick properties in the same colour as walls
	Unexpressed lintels to render/ wooden clad properties
Chimneys	Chimneys in line with walls



above: Artists impression of the Development Core character area

Character Area 3. Neighbourhood Edge	
Density	35 - 40 dph
Storey heights	2 and 2.5 storeys
Dwelling types	Detached (minimal)
	Semi-detached (frequent)
	Terraced (frequent)
	Apartments (minimal)
Linked dwellings	Common
Wall materials	Red brick (frequent)
	Smooth pastel render (occasional)
	Horizontal wooden cladding (none)
Roof materials	Grey slate
	Red tiles
Doors colours	Strong tones
Windows	Casement Windows
	White frames
	Gable fronted dormers
Window details	Vertical brick headers to brick properties in a contrasting colour to walls
	Unexpressed lintels to render clad properties
Chimneys	Chimneys in line with walls



above: Artists impression of the Neighbourhood Edge character area

Character References

5.2.9 Using the following details in future reserved matters applications will help to ensure that the proposed development integrates with Flitch Green and responds to the local context of the site.

Urban Form

- The main streets must have as much continuous built frontage as possible, which can be achieved through the use of drive-unders and carriage arches.
- The streets should generally be laid out with footways on each side of the carriageway where houses are found.
- Shared surface areas are appropriate for lower order streets and must be wide enough to comfortably accommodate vehicle movements and pedestrians and cyclists.
- Street trees and parking must be accommodated within a well planned streetscape.
- Development form must follow the form of the roads, with houses aligned parallel to the street.

Building / Plot Form

- The development must include a mix of terraced cottages, large detached and semi-detached and houses, in accordance with the character area descriptions.
- Development must be a maximum of 2.5 storeys in height, with 2 storey dwellings the most common height.

- Houses can be set on the back of the pavement or with varying sizes of front gardens as appropriate.
- Plot forms should vary with both wide and narrow fronted plots found.
- Rear garden sizes are typical of the age and density of the development.
- Dwellings should generally have eaves facing the streets, with some gable fronted elements introduced.
- Overhanging gables at the first floor level are also appropriate.

Car Parking

- Residents and visitors parking must be planned for within the development.
- Appropriate parking solutions include allocated on street parking, on-plot parking to the side and courtyard parking to the rear of properties.
- Parking to the front of terraces should only be used where necessary.

Details And Materials

- Common walling materials should include red brick and smooth render (pastel colours)
- Some horizontal wooden cladding in black or white/cream is appropriate.
- Vertical brick detailing around windows and doors should be used, in the same colour or contrasting brick.
- Roofs should be a mix of red or brown tiles or grey slate.
- Dormer windows should have gable roofs.



above: Examples of local character references



- Chimneys should be set in line with walls or create a feature on the gable end of properties.
- Windows should be either timber painted or uPVC - white.
- Casement windows should be used.
- Doors should be coloured with glazed vision panels.
- Varied use of porches and canopies / threshold details should be used.
- Where properties are set back from the pavement, boundaries should be formed by a mix of brick walls, fences, hedges or planting within front gardens.

Open Spaces

- Open space should be concentrated in a large useable area.
- Smaller incidental open spaces should be found within the residential area.

5.2.10 The adjacent images show local examples which incorporate these design references, which should provide inspiration for future reserved matters applications.

5.2.11 See also the 'Example Street Hierarchy Plan' in the 'Streets for All' section for further detail of how these could come together.



above: Examples of local character references

5.3 Well defined streets and spaces

5.3.1 The road network within the development must have a 20mph design speed and create a strong framework of connected and well overlooked streets and spaces.

5.3.2 Perimeter blocks must be used to provide a clear separation between public and private spaces, with front doors overlooking the streets.

5.3.3 Front gardens should be provided where appropriate to enliven the street scene and provide places for social interactions to take place.

5.3.4 Where gardens adjoin the street these must be separated from the street by 1.8m high walls, with gates to provide access for residents.

5.3.5 Buildings on street corners must have windows on both elevations to provide overlooking to both streets. Bay windows could be appropriate here to provide additional interest to the side elevation.

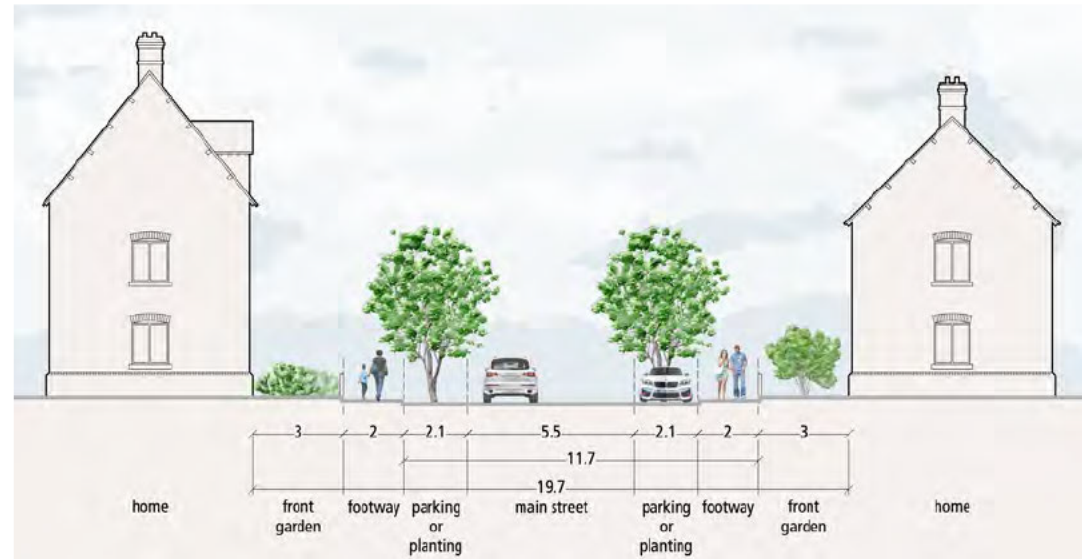
5.4 Easy to find your way around

5.4.1 Streets should connect with each other in a logical manner to provide an appropriate movement network. Streets should be as straight as possible, whilst balancing placemaking and speed reduction measures.

5.4.2 A hierarchy of streets will help people to find their way around. The hierarchy should be based on the following street types: Main Street, Residential Street, Shared Surface / Private Drive

Main Street

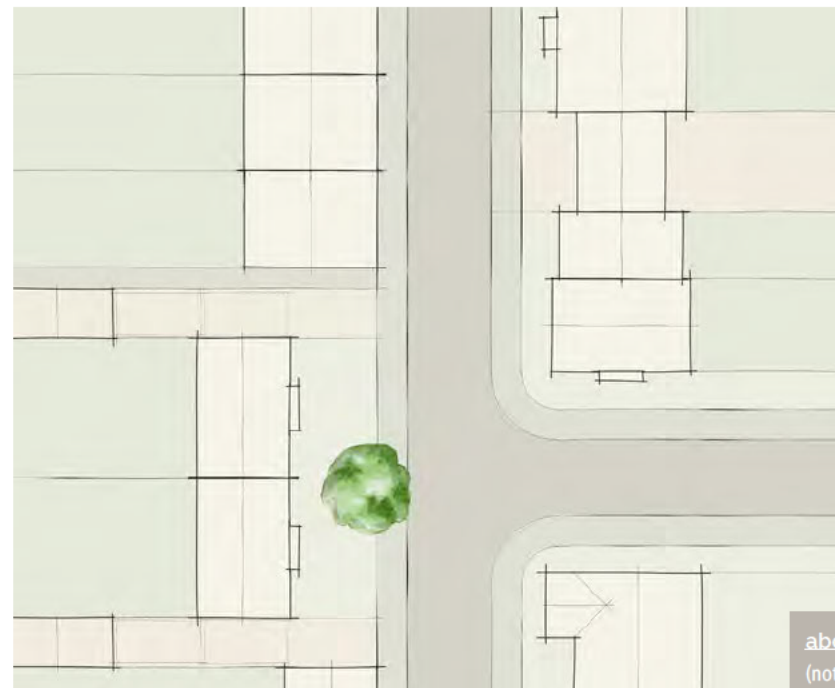
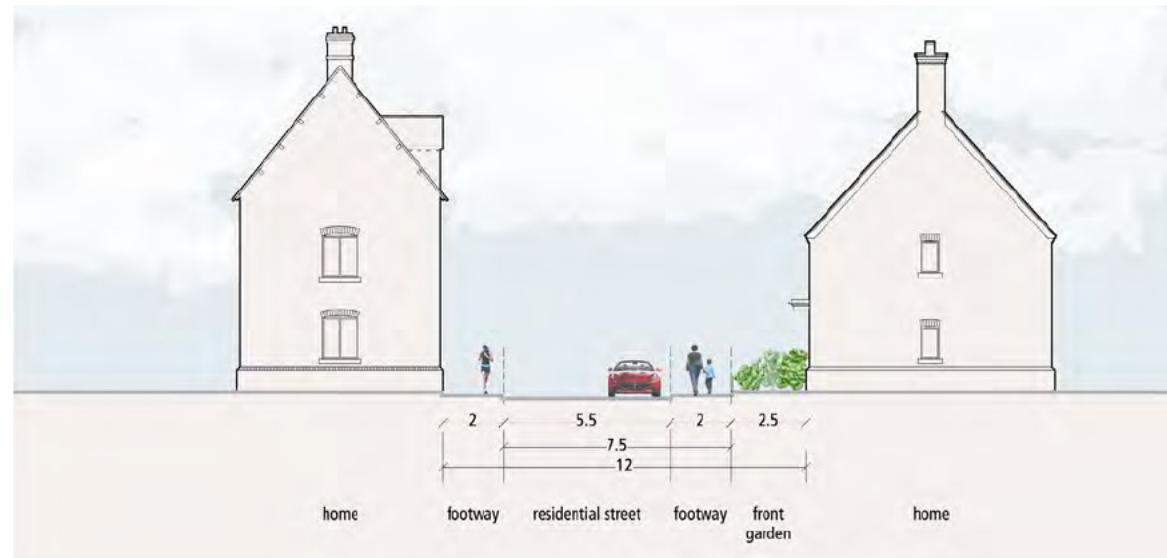
- 5.5m carriageway with at least 2m wide footpaths on each side
- Footpaths could be separated from the carriageway by green spaces which should include swales in appropriate locations.
- Benches provided within green spaces.
- Parking to be provided to the side or rear of properties.
- On street visitor parking in marked parallel bays
- Trees provided in conjunction with parking bays or green spaces.
- Boundaries to front gardens formed of low wooden fences or brick walls.
- Set back distances should vary along this street type, with some areas having larger set back with parking and street trees and other areas having smaller set backs to give a sense of enclosure.



above: Example Main Street section and plan (not to same scale)

Residential Street

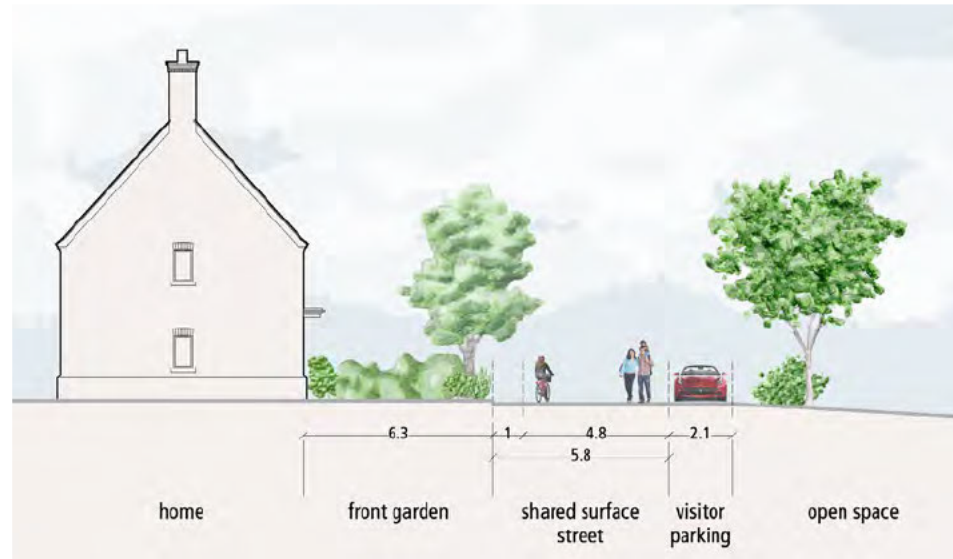
- 4.8 - 5.5m carriageway with 2m footpaths on at least one side.
- Footpaths could be separated from the carriageway by green spaces which should include swales in appropriate locations.
- Benches provided within green spaces.
- Parking to be provided to the side or rear of properties.
- On street visitor parking in marked parallel bays
- Trees provided in conjunction with parking bays or green spaces.
- Boundaries to front gardens formed of low wooden fences or hedges/front garden planting.
- Set back distances should be smaller on this street type to give a sense of enclosure.



above: Example Residential Street section and plan (not to same scale)

Shared Surface Street / Private Drive

- 4.5 - 6m shared surface carriageway with no vertical delineation between vehicle and pedestrian areas.
- Parking to be provided to the side of properties.
- On street visitor parking in marked parallel bays.
- Trees provided in conjunction with parking bays or green spaces.
- Boundaries to front gardens formed of hedges or front garden planting.
- Set back distances should be varied on this street type, with larger set backs along the Landscape Edge of the site and smaller set backs within the Development Core and Neighbourhood Edge.











above: Example Shared Surface / Private Drive section and plan (not to same scale)

Pedestrian Movement

- The main access points for pedestrians will be in the north east of the site, along Station Road, to provide surfaced routes to the nearby bus stops and services within Flich Green.
- Additional pedestrian access will be provided from the Flich Way, along the existing Public Right of Way which crosses the site, and in the north western corner of the site.
- From these access points convenient routes should be provided both through the development area and the open spaces towards access points on the opposite side of the site.
- The paths within the development area along side the roads should be surfaced, as should the connections to the Flich Way.
- Footpath connections within the open space should be more informal and could be mown grass paths or compacted gravel.



 Site boundary	 The Flich Way / Saffron Trail (offsite)
 Proposed all modes access	 Existing Public Right of Way retained
 Existing access to Public Right of Way - footpath	 Pedestrian desire line (surfaced)
 Proposed pedestrian and cycle access	 Pedestrian desire line (unsurfaced)

above: Example pedestrian movement plan

6. Streets for All

This chapter explains how the Development Framework Plan satisfies the Streets for All sub-headings in the Building for a Healthy Life guidance and outlines the measures proposed to support the creation of a beautiful development at the future reserved matters stages.

6.1 Healthy Streets

6.1.1 The green corridors within the development area must be designed as attractive routes which encourage walking, cycling, leisure and play.

6.1.2 Raised table junctions must be included at key intersections to slow vehicle speeds.

6.1.3 The development must be designed for 20mph speeds. As it will have less than 2000 vehicle movements per day then cycling on the carriageway is appropriate. The masterplan must be designed to accommodate this.

6.1.4 Advice must be taken from appropriate groups regarding inclusive design, to ensure people with visual, mobility and other limitation will be able to use the street confidently and safely.

6.1.5 An example of how the street types could be brought together, along with the character areas and green corridors, is shown in the movement hierarchy plan shown on the opposite page.

6.1.6 Further guidance on the appropriate design of streets is found in the "A Memorable Character", "Well defined streets and space" and "Easy to find your way around" sections.

6.2 Cycle and car parking

6.2.1 Secure cycle storage must be provided within rear gardens, garage, or dedicated cycle storage areas for all properties.

6.2.2 Cycle storage for apartment buildings should be incorporated within the overall form of the apartment building as far as possible.

6.2.3 Levels of private and visitor parking provision, and sizes of spaces and garages, must be in compliance with those set by the Essex County Council Parking Standards.

6.2.4 Parking provision should be located in a convenient position so as to encourage its use and discourage anti-social parking behaviours.

6.2.5 Where rear parking courts are found consideration should be given to levels of natural surveillance, with the incorporation of flats above garages where possible.

6.2.6 Where frontage parking is found runs of parking must be broken up at least every 4 spaces with landscape planting or trees. The surfacing of these spaces should be carefully designed, with high quality materials used to create an attractive streetscape.



development under construction

illustrative residential layout (permission granted)

illustrative residential layout (permission granted)

Harrison's Road

Ainsworth Drive

Station Road

existing traveller site

Fitch Way

- Character Area 1: Countryside Edge
- Character Area 2: Development Core
- Character Area 3: Neighbourhood Edge
- Main Street
- Residential Street
- Shared Surface / Private Drive

above: Example Street Hierarchy Plan

6.3 Green and blue infrastructure

6.3.1 The proposals deliver a generous landscape framework that helps assimilate the development into the surrounding countryside, whilst providing an accessible and high-quality open space for all. The landscape plan set out on the opposite page shows a number of different landscape character areas that will be created within the site.

Countryside Park

6.3.2 A generous green corridor along the northern and western boundaries will provide a new 'countryside park' offering an amenity resource for future residents and the residents of Flitch Green and Little Dunmow. The design and layout of the countryside park has been informed by the Landscape and Visual Appraisal, which seeks to retain the physical and visual separation between Flitch Green and Little Dunmow and to minimise the effect on the visual amenity of views from the surrounding landscape.

6.3.3 The design of countryside park has been focused on the benefits to both people and wildlife. It includes a large blanket of species-rich grassland containing pockets of scrub planting and specimen trees and is surrounded by proposed woodland to the north and existing woodland to the south. A network of existing and proposed footpaths

cross the site that will accommodate recreational walking routes as well as reinforce connections between Flitch Green and Little Dunmow. The mixture of landscape typologies will provide a network of diverse habitats that are connected to those across the wider landscape.

Green and Blue Corridors
















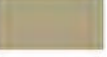

6.3.4 To the south, a separate green corridor creates a substantial buffer to the Flitch Way, a County Wildlife Site and recreation route. Positioned at the natural low point, this corridor will also accommodate surface water drainage elements sensitively designed to make a positive contribution to the visual, recreational and biodiversity of the site. To the east another smaller corridor will allow for the planting of a new hedgerow and specimen trees that will afford some visual screening for residents. Green corridors through the development area will create doorstep amenity green space as well as direct connections to the surrounding countryside park and other open spaces.

6.3.5 Pockets parks and green corridors within the development will accommodate large trees to help soften and integrate the development in views from the surrounding landscape. Furthermore, tree groups of three or more large trees within the countryside park will create vertical structure within the landscape to reinforce the visual separation with Little Dunmow.



top: Precedent image of allotments

bottom: Precedent image of a community orchard

-  Site Boundary
-  Amenity Grassland
-  Wildflower Meadow
-  Wildlife Area
-  Woodland Planting
-  Specimen Tree Planting
-  Scrub Planting
-  Drainage Features
-  Play Area
-  Allotments
-  Proposed Hedgerow
-  Existing Hedgerow
-  Existing Vegetation
-  Footpath
-  Public Right of Way
-  Proposed Development
-  Proposed Road



above: Example Landscape Strategy (EDP)

Play Area

6.3.6 A natural play area with soft boundaries will be provided within the countryside park, located close to the development edge for easy accessibility and natural surveillance. Where possible, further informal play opportunities will be encouraged along key routes in the form of naturalistic play such as logs or boulders.

Allotments and Community Orchard

6.3.7 Further amenity value is afforded through a semi-enclosed area for allotments and a community orchard. Located close to the development edge and along a key route between Flich Green and Little Dunmow, this will be an accessible and social space for all.

Buffers to Ainsworth Drive

6.3.8 Where the proposed houses adjoin the existing houses along Ainsworth Drive an 8m wide landscape buffer must be provided which will be outside of private gardens. This must be fenced at each end with a high fence so it is not publically accessible. Gates must be provided so the space can be maintained as part of the management regime for the public open space.

Blue Infrastructure

6.3.15 The Moors Fields site is located entirely within Flood Zone 1, with a low probability of fluvial flooding. However, since the proposed development works will increase the impermeable coverage on a greenfield site it is still necessary to ensure a sustainable approach is employed with the development to regulate surface water runoff to manageable rates. In accordance with Essex County Council standards, runoff rates will be restricted to 1 in 1yr rates, with attenuation allowance made for both urban creep and future climate change (up to 40% increase).

6.3.16 Potential sustainable water management measures include:

- **Green Space** - maintaining areas of green space (either as corridors between development parcels or other dedicated open areas) will reduce the volume of water which needs to be managed on site and as such maximising the green space provision. These corridors also allow for amenity/ecology benefits and provide pathways for other features i.e., swales.



top: Example section of buffer to Ainsworth Drive

bottom: Precedent image of a drainage attenuation area

- **Permeable Paving** – when installed in appropriate areas (i.e., car parking bays or private roads) permeable surfaces can be used to collect surface water directly at the source. Since the ground beneath the paving is impermeable then the sub-base can provide a volume of storage but must be positively drained to sewer or watercourse.
- **Swales and Ponds** - provision of swales and ponds can provide surface water management whilst contributing positively to the amenity and ecology. The primary drainage network can outfall into the swales, which then convey runoff through the site to the main attenuation pond forming a 'treatment train'.

6.3.17 By linking the various surface water management features together the system creates a system to both manage surface water sustainably, and establish a habitat network; providing residents with opportunities to interact with nature and be close to water. This setup addresses the 'four pillars' of sustainable water management (water quality, quantity, amenity, biodiversity).

6.3.18 The southern pond will be natural in form, with no demarcation from the surrounding open space, shallow sloping grass sides and wetland planting as appropriate.

6.4 Back of pavement, front of home

6.4.1 Changes in levels should be accommodated through sloping landforms to the front of properties, which can be included within front gardens. Retaining walls could also be used, which should be constructed from the same materials as the front elevation of the house. Planting will help to soften level transitions.

6.4.2 Meter boxes should be located to the side of properties where possible so as to reduce their impact on the street scene. Where this is not possible creative solutions need to be found to ensure meter boxes are not visible from the street.

6.4.3 Dedicated bin storage should be provided in front gardens for middle terrace properties, where it is not possible to provide storage to the rear, so as to reduce the impact of bin storage on the street scene.

6.4.4 Planting should be provided to all front gardens to encourage future residents to maintain these and add interest to the street scene.



above: Precedent image of a planted front gardens

7. Responding to Climate Change

7.1 Climate Emergency

7.1.1 Uttlesford District Council has declared a 'climate emergency'. Councillors pledged to take local action to contribute to prevent a climate and ecological catastrophe with an aim to achieving net-zero carbon status by 2030 and to protect and enhance bio-diversity in the district.

7.1.2 The Sustainability Statement which accompanies the application sets out key sustainable design measures incorporated at this stage and to be considered during the detailed design to deliver low carbon homes. As well as providing social and economic benefits, while also protecting and enhancing the environment, incorporating measures to adapt to and mitigate the effects of climate change.

7.2 Social and Economic Benefits

7.2.1 The development aims to provide a range of social and economic benefits to both new and existing residents, through:

- Provision of 160 new homes, including **40% affordable homes** providing opportunities for local people.
- Creation of a low carbon **local office hub** providing a workspace for local residents or small start-up companies designed to incorporate low carbon renewable energy systems.
- Homes which will be designed to create **healthy living environments** which are flexible for the future.
- The inclusion of extensive **Green Infrastructure**, including a new countryside park, providing local recreational opportunities for new and existing residents.
- Design in accordance with the **Building for a Healthy Life Guidance** to enhance the wellbeing of residents.

7.3 Environmental Protection and Enhancement

7.3.1 Through a range of design measures the development aims to protect and enhance the local environment, including:

- Buildings designed to make use of **sustainable materials** to reduce environmental impacts of construction.
- Development designed to prioritise **sustainable transport** including walking and cycling, including connections to existing pathways, provision of cycle storage and EV charging infrastructure.
- Provision of measures to protect on-site ecology and enhancement measures to deliver a **biodiversity net gain in excess of 29%**, which also helps reduce the impact of climate change on site habitats, as well as providing carbon sequestration benefits and localised cooling effects.
- Provision of **sustainable waste management** measures through construction and operation of the site to reduce pollution, minimise waste and encourage recycling.

7.4 Mitigating and Adapting to Climate Change –

7.4.1 The development will incorporate a range of measures to reduce carbon emissions, mitigating the effects of climate change, and adaptation measures to ensure the long term resilience of the development to the effects of climate change. Measures include:

- Buildings designed to reduce carbon emissions meeting the requirements of the full FHS, delivering at least a **75% reduction in carbon emissions** beyond Part L 2013 through a range of fabric, energy efficiency and low carbon renewable energy measures.
- Orientation and design of homes to allow the installation of **Solar PV on all homes**.
- Reducing carbon emissions in line with the full FHS will deliver **Net Zero Ready** homes and allow residents the ability to live **Net Zero** through the purchase of certified renewable energy.
- Specification of water efficient fittings to reduce water consumption to **110 litres per person per day** in line with the government's higher water efficiency standard.
- Development of new homes in Flood Zone 1 and provision of a surface water drainage system designed to mitigate a 1 in 100 storm event, including a 40% allowance for **climate change**.
- Homes designed to take into account increasing annual temperatures set out in the UKCP18 climate projections to minimise the risk of **overheating**.



above: Example of how solar panels could be arranged on building roofs.

8. Conclusion

This Design Codes sets principles and requirements for future reserved matters applications for the site, which will support the delivery of a high quality and ultimately beautiful development in this part of Flitch Green.

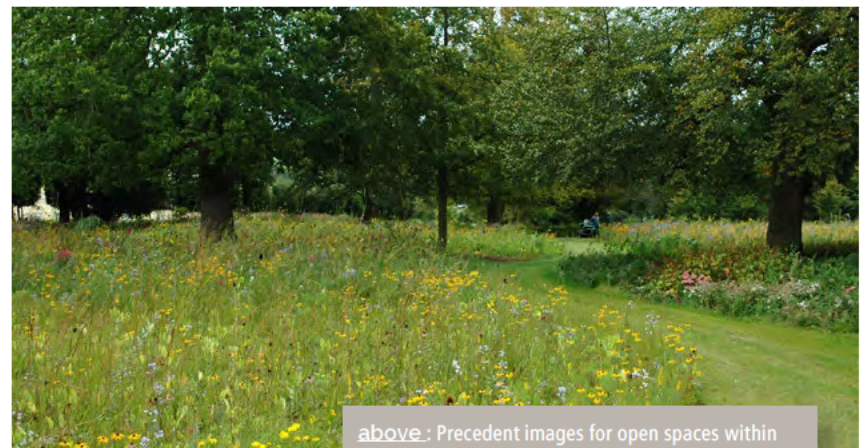
8.1.1 Development Framework Plan for Moors Fields and the design codes demonstrate that the following can be accommodated on the site:

- Up to 160 new homes, in a range of types and sizes to meet local policy requirements and identified need.
- 40% of the housing would be affordable housing
- Over 60% of the site would form generous public open space, which could be laid out as a countryside park and potentially include allotments.
- Significant new planting both around the public open space and throughout the development which could strengthen the recreational role of the Moors as a woodland resource.
- Circular walking and cycling trails connecting to the existing Public Right of Way and Flitch Way.
- The provision of new children's play areas.
- Creation of a new office hub to provide local workspace.
- Improved pedestrian and cycle connections to Flitch Green.

8.1.2 The scheme responds to the landscape and heritage influences of the site and surroundings, with a large public open space along the northern and western boundaries, which will create a defensible edge to the settlement and preserve the gap to Little Dunmow in perpetuity.

8.1.3 The scheme includes the potential for a new community facility and will include an equipped play area within a connected green infrastructure network.

8.1.4 The proposals represent a sustainable development with access to the facilities available within Flitch Green and the wider area. The homes will be constructed to minimise their carbon consumption through the use of efficient features and sustainable materials (amongst other measures) which will help the Council towards its carbon reduction targets.



above: Precedent images for open spaces within the scheme

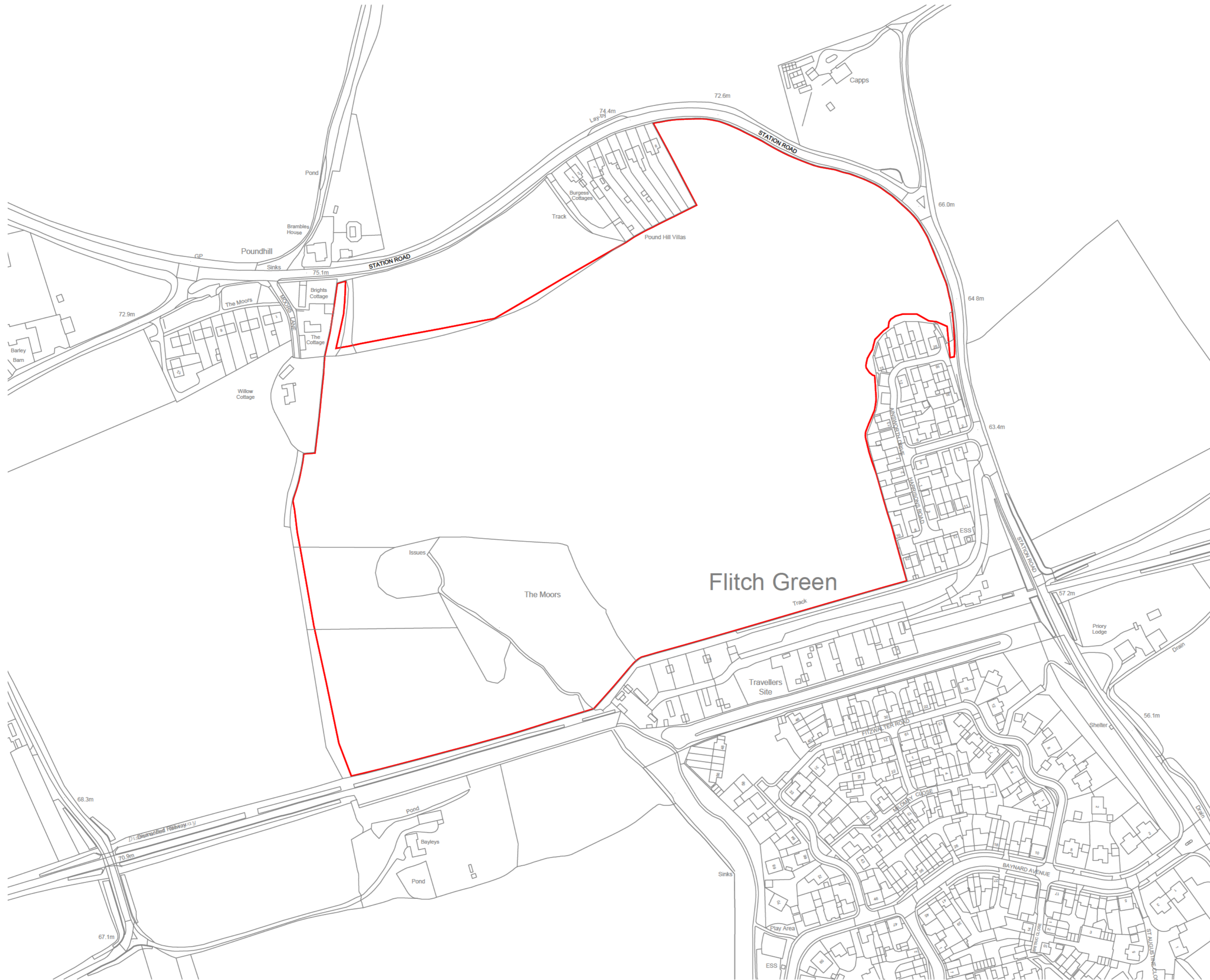


above: Artist's impression of the public open space

urbandesignbox.co.uk



APPENDIX 5. APPROVED PLANS



Key:

Site Boundary = 14.05ha / 34.71 acres

a	15/11/21	label amends; site boundary area added	-
Rev:	Date:	Description:	Initial:

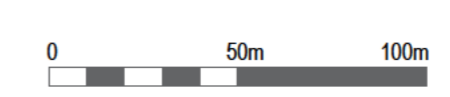
Project: **Land off Station Road
Fritch Green, Essex**

Drawing: **07a Site Location Plan**

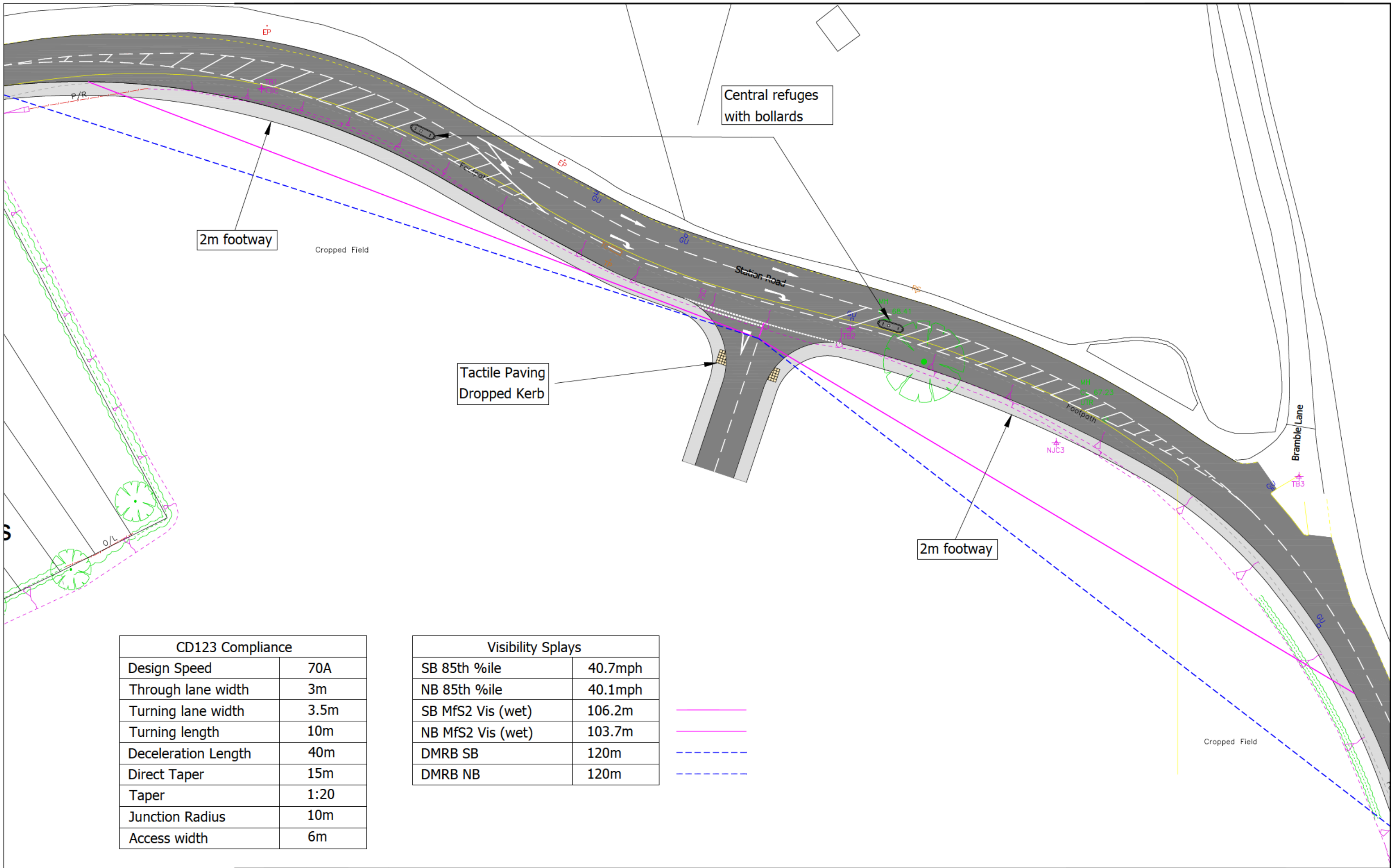
Scale: 1:2000 @ A2	Drawn: LA
Date: 07/06/21	Checked: --

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Catesby Estates plc
part of Urban&Civic



CD123 Compliance	
Design Speed	70A
Through lane width	3m
Turning lane width	3.5m
Turning length	10m
Deceleration Length	40m
Direct Taper	15m
Taper	1:20
Junction Radius	10m
Access width	6m

Visibility Splays	
SB 85th %ile	40.7mph
NB 85th %ile	40.1mph
SB MfS2 Vis (wet)	106.2m
NB MfS2 Vis (wet)	103.7m
DMRB SB	120m
DMRB NB	120m



















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REV	DESCRIPTION	DRAWN	INITIALS	DATE

DTA
 Transport Planning Consultants
 Forester House, Doctors Lane,
 Henley in Arden,
 Warwickshire B95 5AW
 Tel: +44(0)1564 793598
 Fax: +44(0)1564 793983

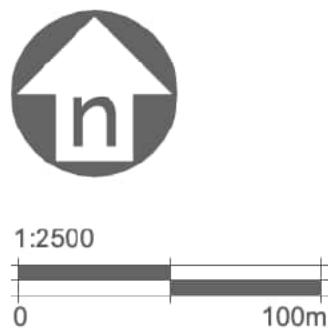
JOB TITLE Moors Field, Fritch Green		CLIENT Catesby Land & Planning Ltd	
DRAWING TITLE Proposed Site Access Right Turn Lane General Arrangement			
SCALE 1:500@A3	DRAWN BY DN	DATE Feb 22	DRAWING No 22268-04
			REVISION



-  Site boundary
-  Proposed all modes access
-  Existing access to Public Right of Way - footpath
-  Proposed pedestrian and cycle access
-  The Flich Way / Saffron Trail (offsite)
-  Existing Public Right of Way retained
-  Existing pedestrian / cycle link to Flich Green / Little Dunmow
-  Existing trees retained
-  Existing scrub / woodland retained
-  Existing stream retained
-  Proposed development area (to include streets, residential development, an office hub and green corridors)
-  Proposed public open space (to include drainage attenuation, landscape buffers, countryside park, allotments, community orchard and children's play)
-  Proposed landscape buffer (min. 8m along boundaries with adjacent properties, min. 16m along site frontage)
-  Proposed green corridors within the development area (exact location and size to be determined at Reserved Matters stage)
-  Proposed swale corridors within the development area (exact location and size to be determined at Reserved Matters stage)
-  Proposed surface water attenuation area (exact location and size to be determined at Reserved Matters stage)

Total Development Area 5.54ha
Total Open Space 8.42ha

NB:
 The development area illustrated allows for a limited deviation of 5m either side of the line, except for when immediately adjoining existing properties, the site frontage and root protection areas for retained trees.



client:
Catesby Land and Planning Ltd

project:
Land at Station Road, Flich Green

drawing title:
Development Framework Plan

job number:
CAT115

scale:
1:2500 @ A3

date:
February 2022

drawing number:
3501H

drawn:
AJ

status:
Post Submission

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- Site boundary
- Proposed all modes access
- Existing access to Public Right of Way - footpath
- Proposed pedestrian and cycle access
- The Flitch Way / Saffron Trail (offsite)
- Existing Public Right of Way retained
- Existing pedestrian / cycle link to Flitch Green / Little Dunmow
- Proposed on-site footpath / cycle path
- Proposed managed / semi natural open space
- Proposed strategic planting areas
- Existing trees retained
- Proposed trees
- Existing scrub / woodland retained
- Proposed hedges
- Proposed play area with 20m offset to homes
- Proposed surface water attenuation area and swales
- Existing stream retained
- Potential landscape buffer between Flitch Green and Little Dunmow, and between the site and existing homes along Harrisons Road / Ainsworth Drive
- Potential countryside park with new walking routes
- Potential natural play area
- Potential pocket park
- Potential trim trail
- Potential micro allotments
- Potential community orchard
- Potential drainage and ecological area
- Potential new family homes
- Potential office hub



client:
Catesby Land and Planning Ltd

project:
Land at Station Road, Flitch Green

drawing title:
Illustrative Masterplan

job number:
CAT115

scale:
1:2500 @ A3

date:
February 2022

drawing number:
3202E


















drawn:
JVS / AJ

status:
Post Submission



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-  Site Boundary
-  Amenity Grassland
-  Wildflower Meadow
-  Wildlife Area
-  Woodland Planting
-  Specimen Tree Planting
-  Scrub Planting
-  Drainage Features
-  Play Area
-  Allotments
-  Proposed Hedgerow
-  Existing Hedgerow
-  Existing Vegetation
-  Footpath
-  Public Right of Way
-  Proposed Development
-  Proposed Road

client
Catesby Land and Planning Ltd

project title
Land at Flich Green, Little Dunmow, Uttlesford

drawing title
Illustrative Landscape Strategy

date	16 FEBRUARY 2022	drawn by	MA
drawing number	edp6755_d007c	checked	TR
scale	Refer to scale bar @ A2	QA	RB



Registered office: 01285 740427 - [Redacted]

APPENDIX 6. EMAILS CONFIRMING AFFORDABLE HOUSING MIX

From: Peter Lock <[REDACTED]>
Sent: Tuesday, July 11, 2023 4:06 PM
To: Andrew Owen <[REDACTED]>
[REDACTED] [gov.uk](mailto:[REDACTED]@gov.uk)>
Subject: RE: [External]>> UTT/21/3596/OP

Afternoon Andrew,
Thank you for providing an amended mix as requested and I confirm that the proposed mix is fine as it provides a good range of properties for both affordable rent & shared ownership.

Regards

Peter Lock
Housing Strategy, Enabling & Development Officer
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

[REDACTED]
[REDACTED]

From: Andrew Owen [REDACTED]
Sent: Tuesday, July 11, 2023 3:09 PM
To: Peter Lock [REDACTED]
[REDACTED]
Subject: RE: [External]>> UTT/21/3596/OP

Hi Peter

I haven't seen the draft Local Housing Needs Assessment but based on the Braintree and Uttlesford combined assessment I've made the below tweaks, which hopefully are satisfactory:

Type of Unit	Number of Rented	Number of Shared Ownership	Total
1 bedroom maisonette	8	4	12
2 bedroom maisonette	4	0	4
1 bedroom bungalow (wheelchair accessible)	2	0	2
2 bedroom bungalow (wheelchair accessible)	2	0	2
2 bedroom house (2b4p)	10	8	18
3 bedroom house (3b5p)	16	6	22
4 bedroom house (4b6p)	3	1	4
Total	45	19	64

Regards
Andrew

From: Peter Lock [REDACTED]
Sent: Tuesday, July 11, 2023 11:04 AM
To: Andrew Owen [REDACTED]
Cc: Lindsay Trevillian [REDACTED]
Subject: RE: [External]>> UTT/21/3596/OP

Morning Andrew,
Following on from Lindsay's email this morning I provide the following comments in respect of the proposed affordable housing mix.

In terms of the proposed mix for the affordable rented provision it is close to what is recommended in the draft Local Housing Needs Assessment (LHNA) except there are too many 4 bed houses. Currently we only have 3 applicants in housing need upon the housing register seeking 4 bed houses in Lt Dunmow and so I suggest that one of the 4 bed houses is swapped for a 2-bedroom bungalow. If you would rather retain the 4 x 4BH then I suggest one of the proposed 1 bed bungalows is amended to a 2 bed bungalow.

The proposed shared ownership mix does not meet the need identified for affordable home ownership within the draft LHNA which identifies the following need and so I suggest this is reviewed and amended please:-

Bedroom need	Recommended %
1 bed	20%
2 bed	45%
3 bed	25%
4 bed or more	10%

I hope this information helps.

Regards

Peter Lock
Housing Strategy, Enabling & Development Officer
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

[REDACTED]
[REDACTED]

From: Andrew Owen <[REDACTED]>
Sent: Tuesday, July 4, 2023 12:03 PM
To: Peter Lock [REDACTED]
Subject: RE: [External]>> UTT/21/3596/OP

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

Hi Peter

Apologies for the delayed response.

I note in the S106 there's an obligation to agree the mix prior to submission of the reserved matters application.

Please find a letter attached which sets out the mix and proposals by tenure to assist with your query below.

Happy for you to email me any additional queries or comments you have.

Kind Regards

Andrew Owen
Senior Planning Manager

The logo for Dandara, featuring a stylized blue icon of a person or a shape to the left of the word "dandara" in a lowercase, sans-serif font.

Tel: [REDACTED]
Dandara Eastern Ltd, Majesty House, Avenue West, Skyline 120, Braintree, Essex. CM77 7AA

From: Peter Lock [REDACTED]
Sent: Wednesday, June 7, 2023 10:07 AM
To: Andrew Owen [REDACTED]
Subject: RE: [External] >> UTT/21/3596/OP

WARNING: This email is from an External Source. Think Carefully before clicking on links or attachments.

Morning Andrew,
To assist me to respond could you please breakdown the proposed affordable mix so that I can see how many of each property type are proposed for affordable rent and how many for shared ownership?

Upon receiving this information I will be able to provide you with a response.

Regards

Peter Lock
Housing Strategy, Enabling & Development Officer
Uttlesford District Council

Council Offices
London Road
Saffron Walden
Essex CB11 4ER

[REDACTED]
[REDACTED]

From: Andrew Owen [REDACTED]
Sent: Tuesday, June 6, 2023 1:36 PM
To: Peter Lock [REDACTED]
Subject: [External] >> UTT/21/3596/OP

Dear Peter

I write in relation to land at Moors Field, Little Dunmow approved for 160 new homes under outline UTT/21/3596/OP.

The S106 requires that the affordable housing mix is approved prior to submission of any reserved matters application.

We note your previous consultation response (based on 180 units) and are proposing the below affordable mix:

12 x 1B2P flats
4 x 2B4P flats
4 x 1B2P bungalows (M4(3))
18 x 2B4P houses
22 x 3B5P houses
4 x 4B6P houses

(64 in total)

These will all be NDSS compliant.

We would be providing a further 5 private bungalows (9 in total) and 4 private M4(3) units to provide the 5% required across the scheme.

Please let me know your thoughts.

Regards

Andrew Owen
Senior Planning Manager



Dandara Eastern Ltd, Majesty House, Avenue West, Skyline 120, Braintree, Essex. CM77 7AA

Andrew Owen
Senior Planning Manager



Dandara Eastern, Majesty House, Avenue West, Skyline 120, Braintree, Essex, CM77 7AA



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