

# Agenda Item 3



**ITEM NUMBER:** 3

**PLANNING COMMITTEE DATE:** 13 September 2023

**REFERENCE NUMBER:** S62A/2023/0021 and UTT/23/1848/PINS

**LOCATION:** Moors Fields, Station Road, Little Dunmow,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: August 2023**

**PROPOSAL:** Consultation on S62A/2023/0021 - Application for the approval of reserved matters for appearance, landscaping, layout and scale for 160 dwellings and a countryside park pursuant to conditions 1 and 2 of outline planning permission UTT/21/3596/OP.

**APPLICANT:** Dandara Eastern Ltd.

**AGENT:** Armstrong Rigg Planning.

**DATE CONSULTATION RESPONSE DUE:** Extension of time given to 15<sup>th</sup> September 2023.

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Adjacent Listed Building, Close to Little Dunmow Conservation Area, Public Rights of Way, Adjacent Protected Lane, Adjacent Country Wildlife Park (Fritch Way), Adjacent Archaeological Site.

**REASON THIS CONSULTATION IS ON THE AGENDA:** This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

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**1. RECOMMENDATION**

That the Strategic Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council recommend planning permission be withheld until the following observations on this application being addressed:

**Design:**

- As required by the approved Moors field Design Code (a site site-wide decision code) there is a lack of key nodal buildings at the end of vistas or on corner locations within the development and

thus failing to create a memorable character with strong legibility and visual interest.

- The Design Code stipulates that all dormer windows facing the street frontage must contain gable roofs. The dormer windows proposed on the 2.5 storey building have flat roof types and should be revised to accord with the Design Code.
- Nine bungalows are proposed as part of the development. The location of the bungalows has not been easily identified on the 'Building Heights Plan contained within the supporting Design and Access Statement. The bungalows should form an integral part to the street scene and ensure that appropriate space is provided around them to ensure that they are not heavily dominated by adjoining built form.
- Ensure that all the new homes within the development comply with the Nationally Described Space Standard (NDSS).
- Ensure that all new homes within the development conform to the requirements of the approved Design Code by ensuring that all new homes are adopted to provide appropriate mitigation to climate change as outline within the Design and Access Statement submitted in support of the proposals.

#### **Parking Provision:**

- No clarification as to the number of off-street parking spaces has been provided in detail.
- Based on the accommodation mix provided, a minimum of 348 off street parking spaces would be required. The submitted Parking Management Drawing indicates that approximately 371 off street parking spaces are provided including those with integral of detached garages.
- However, no drawings have been submitted of the proposed garages and as such in it is not known as to whether the proposed garages would comply with the minimum internal dimensions to constitute as an off-street parking space. As such it is not known as to whether there is sufficient off-street parking across the site to meet the needs of future residents.
- The development provides a high proportion of triple tandem parking across the scheme. Triple tandem parking tends to lead to an overspill of vehicles onto the highways which ends up resulting in unwanted traffic congestion and detrimental to the function of the highway which is main priority is form movement from point A to B and reduces the visual qualities of the street scene contrary to good place making.
- Inappropriate provision and location of visitor parking across the site.
- No off-street parking is provided for the community allotments.
- No details have been provided for secure cycle storage for apartment buildings or those dwellings without garages.

### **Boundary Treatments:**

- The approved Design Code requires an 8m landscape buffer from the existing housing along Ainsworth Drive and the proposed housing and that this area must be fenced off so that it is not publicly accessible, and that Gates must be provided so the space can be maintained as part of the management regime for the public open space. No such fencing or gates has been indicated on the boundary treatment plan and thus results in secure by design issues.

### **Pedestrian & Cycle Movement:**

- Although indicated in the 'Pedestrian and Movement Plan' within the supporting Design and Access Statement, there is no indication or reference to a pedestrian/cycle link within the southern eastern corner of the site leading onto the Flitch Way. This is required as indicated on both the approved Development Framework Plan attached to the outline permission, Condition 25 of the outline permission, and within the approved Design Code. To promote active travel, social inclusion, and sustainable travel beyond the site to local services and facilities within Flitch Green, the Councils requests that such a link is provided.

### **Residential Amenity:**

- The back-to-back distances between dwellings including those at an angle should conform to the relevant setbacks within the Essex Design Guide to avoid unwanted overlooking, visual blight and ensure adequate privacy.
- To ensure that adequate sunlight and daylight is provided to all private residential and communal gardens.

### **Play Space:**

- Although examples of potential play and exercise equipment are provided within the supporting 'Landscape Statement' the finer details of what equipment is to be provided for the LEAP, LAP and Trim Trail have not been finalised. Prior to works commencing on the site, details of the Play areas should be provided.

### **General:**

- To take into account all statutory and non-statutory comments and those representations made by the public.

## **2. SITE LOCATION AND DESCRIPTION**

- 2.1** The area of land subject to this 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.
- 2.2** The site is located on the south eastern side of Station Road approximately 100m north of the village of Flitch Gren. 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 tree 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 site abuts 'The Flitch Way' which is 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.
- 2.4** 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.
- 2.5** 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 (PR0W 35\_10) which intersects through the site joining the village of Little Dunmow and Flitch Green.
- 2.6** 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.

## **3. PROPOSAL**

- 3.1** This application relates to the reserved matters following a decision made by the Council 3<sup>rd</sup> March 2023 to allow outline planning permission with all matters reserved except for means of access from Station Road for a

residential development of up to 160 dwelling, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure under application ref: UTT/21/3596/OP.

- 3.2** Access to the development was approved as part of the outline application which established access to the site. A new vehicle crossover providing the main point of egress for the whole site will be located close to the north-eastern corner of the site along 'Station Road'.
- 3.3** The reserve matters for consideration relates to Appearance, Layout, Scale and Landscaping for the residential part of the site and the countryside park only.
- 3.4** The office hub as approved as part of the outline consent is excluded from this application and will subject to a future reserve matters application. The Applicant stipulates that this is to allow time to continue to liaise with Little Dunmow Parish Council as to the design specification of the office hub building which is to be transferred to the Parish Council as secured in the S106 Agreement attached to the outline planning permission.
- 3.5** The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. Affordable housing makes up 40% of the overall residential development for the scheme, as set out by the requirements of the S106 agreement. The proposal incorporates a range of housing types ranging from 1 to 5-bedroom homes. The proposed residential mix is set out below.

Unit Type	Affordable	Market	Total
<b>1 - bed bungalow</b>	2	2	4 (2.5%)
<b>1 - bed flats</b>	12	0	12 (7.5%)
<b>2 - bed flats</b>	4	0	4 (2.5%)
<b>2 - bed bungalow</b>	2	3	5 (3%)
<b>2 - bed dwelling</b>	18	16	34 (21.25%)
<b>3 - bed dwelling</b>	22	35	57 (35.75%)
<b>4 - bed dwelling</b>	4	36	40 (25%)
<b>5 - bed dwelling</b>	0	4	4 (2.5%)
<b>Total</b>	64 (40%)	96 60(%)	100 (100%)

- 3.6** The dwellings would range between 1 and 2 ½ storeys in height. Dwelling styles within the development would range from single storey bungalows, detached and detached buildings, along with apartment buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. Each of the dwellings within the development has been provided with off street parking spaces and its own private amenity space.
- 3.7** In addition to the proposed housing, the provision of approximately 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.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

**4.1** The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest residential-led development. It was determined under the outline application that there would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of the outline application. The same considerations have been given to this reserve matters application.

**4.2** In addition, in a letter dated 16th August 2023, the Inspectorate provided a screening opinion and confirmed that an EIA was not required. The Inspectorate quoted:

**4.3** Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and nearby designated sensitive areas as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact.

**4.4** Accordingly, in exercise of the powers conferred on the Secretary of State by Regulations 14(1) and 7(5) of the above Regulations, the Secretary of State hereby Environmental Services directs that this development is not Environmental Impact Assessment (EIA) development.

#### **5. RELEVANT SITE HISTORY**

**5.1** Application Site:

**5.2** 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.

**5.3** In March 2023 outline planning permission was granted consent under application reference UTT/21/3596/OP with all matters reserved apart from access by members of the planning committee for a residential development of up to 160 dwellings, a countryside park, up to 100sqm of



office hub floorspace, sustainable urban drainage system and associated infrastructure subject to conditions and a S106 legal agreement.

**5.4** Surrounding sites:

**5.5** 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.

**5.6** This application was refused by the Council on 13th December 2018 for reasons relating of 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. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**6.1** 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.

**6.2** The Applicant has indicated within their supporting Planning Statement that they meet with Little Dunmow Parish Council and the Local Ward Member on 7<sup>th</sup> June 2023 to present a sketch of the scheme.

**6.3** No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this reserve matters application to the Planning Inspectorate.

**6.4** No details have been submitted prior to the submission of this application of whether any community consultation with the public was undertaken.

**7. STATUTORY CONSULTEES**

**7.1** All statutory consultees will write directly to PINS within the 21 days period being the 5<sup>th</sup> September 2023 and are thereby not mentioned within this report.

**8. PARISH COUNCIL COMMENTS**

**8.1** These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 5<sup>th</sup> September 2023 and are thereby not informed within this report.

**9. CONSULTEE RESPONSES**

**9.1** All consultees' comments should be submitted directly to PINS within the 21-day consultation period being the 5<sup>th</sup> September 2023 and are thereby not informed within this report.

**10. REPRESENTATIONS**

**10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 5<sup>th</sup> September 2023. All representations should be submitted directly to PINS within the 21-day consultation period.

**10.2** UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

**11. MATERIAL CONSIDERATIONS**

**11.1** 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.

**11.2** 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.

**11.3** 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

## **11.4 The Development Plan**

- 11.5** Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made Feb 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made 19 July 2022)
- Saffron Walden Neighbourhood Plan (made 11 October 2022)
- Ashdon Neighbourhood Plan (made 6 December 2022)
- Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **12. POLICY**

### **12.1 National Policies**

- 12.1.1** National Planning Policy Framework (2021)

### **12.2 Uttlesford District Plan 2005**

- 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

### **12.3 Supplementary Planning Document or Guidance**

- Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Parking Standards (2009)

### **13. CONSIDERATIONS AND ASSESSMENT**

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

- 13.2**
- A) Whether the layout, scale and appearance of the proposal is acceptable.**
  - B) Dwelling mix and Affordable Housing provisions**
  - C) Access to the site and highway issues**
  - D) Heritage**
  - E) Landscaping and open space**
  - F) Biodiversity and Protection of Natural Environment**
  - G) Drainage**
  - H) Whether the proposal would cause harm to the amenities of adjoining property occupiers**
  - I) Planning Obligations**

**13.3** **A) Whether the layout, scale and appearance of the proposal is acceptable.**

**13.3.1** The scope of outline permissions and reserved matters approval is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the DMPO”). It limits reserved matters approval to issues of: access; appearance; landscaping; layout; and scale. Relevant to this application, it provides the following definitions:

- **‘layout’** means the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development.
- **‘scale’** means the height, width and length of each building proposed within the development in relation to its surroundings.
- **‘appearance’** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture.
- **‘landscaping’**, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;

- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

- 13.3.2** The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission.
- 13.3.3** Where outline planning permission has been granted such as in this case, reserving care should be taken in assessing the interrelationship between (a) such details granted and (b) whether the details submitted for reserved matters' approval constitutes a material departure from the former within the context of the nature of the development (its site and surroundings), as part of the planning judgement of the decision maker.
- 13.3.4** Referring the proposals, such a judgment might be informed by a comparison between the ratio of the footprints, scale and size of the new dwellings, the new resource centre and the nursery/pre-school buildings. But it would not necessarily be determined by it. It might also need to be considered the significance to be attached to the various dimensions, orientation, and text marked on the [outline] Site Plan in the context of the nature of the development, the site to which the outline planning permission related and its surroundings.
- 13.3.5** Condition 4 and 5 imposed on the outline decision notice requires that the reserve matters are constructed in accordance with the approved plans. Furthermore, condition 6 requires that the development shall be constructed in accordance with the details as set out within the 'Design Code' (February 2022).
- 13.3.6** The Moors Fields Design Code sets out detailed principles for the reserve matters application which aims to create a high-quality design and place making for future residents taking into consideration building for healthy life criteria and climate change.
- 13.3.7** The overriding objectives of the Design Code is to create a distinctive place for the site to ensure the layout has memorable character areas that contain a mixture of building types from small homes to larger detached dwellings with a variety of elevational interest.
- 13.3.8** This section of the report assesses matters of layout, scale, and appearance, whilst matters of landscaping is address further below in Section E).
- 13.3.9** Layout:
- 13.3.10** A layout shows how routes and blocks of development are arranged and relate to one another to create streets, open spaces, and buildings. It defines the structure or settlement pattern; the grain - the pattern of development blocks and plots; and the broad distribution of different uses, and their densities.

**13.3.11** Figure 1 below shows the indicative site layout plan that was approved.



**Figure 1: Indicative Masterplan as approved under outline application ref: UTT/21/3596/OP.**

**13.3.12** The indicative masterplan creates a developable area generally to the southeastern parts of the site with green corridors linking the northern and western green spaces and play areas of the site. The site is generally characterised by a single spine road extending from the new vehicle access off 'Station Road' at the northern edge of the site. The access and spine road will form the main ingress point for vehicles. The layout which effectively creates a main road extending through the site with other minor and private driveways leading off it to provide access to the residential units. The developable area has been generally subdivided into parcels separated by internal highways.

**13.3.13** As referred to above, the new development must also be in accordance with the objectives and aims of the approved Design Code. This includes that the total developable area across the site must not exceed 5.54 ha of built development and is to include a total of 8.42 ha of open space. The proposals are in accordance with these requirements.

**13.3.14** The development must also be constructed to contained three different character areas within the development as defined in Figure 2 below.



**Figure 2: Defined Character Areas as contained within the Approved Design Code under outline application ref: UTT/21/3596/OP.**

- 13.3.15** The aims of the character areas are to deliver a range of housing styles over three defined character areas by utilising variations in building materials, densities, and scales.
- 13.3.16** The Design Code sets out that the density of the development must be varied to convey a transition of developable area from the edge of the settlement to the south beyond the Fritch Way to the open space to the north. The proposals as shown in Figure 3 below comply with the Design Code in this regard with a density ranging from 21 dph (Landscape Edge) to 35 dph (Neighbourhood Edge) with an average density across the developable area of the site being 33dph.

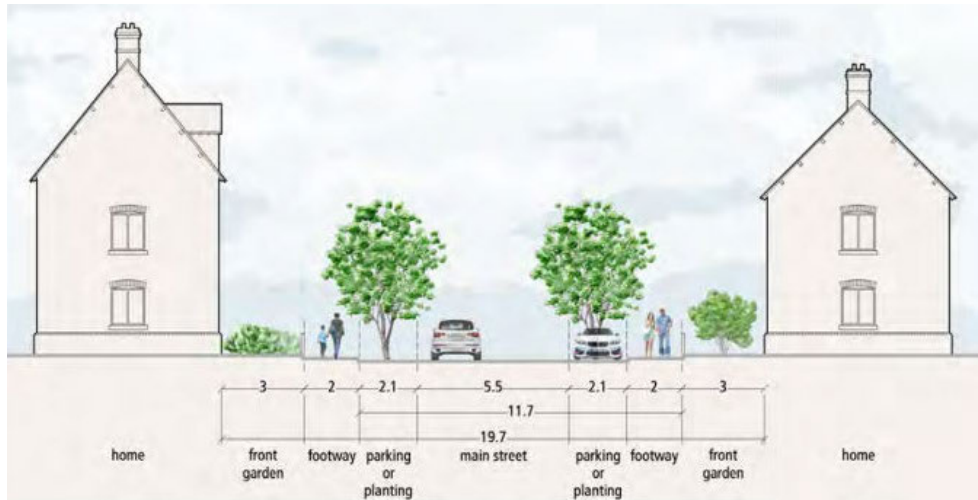




**Figure 3: Proposed Character Areas.**

**13.3.17** The Design Code also sets out a hierarchy of streets within the development and that all routes within should be clear, safe whilst according to width requirements. The design code sets out a hierarchy of streets to help people navigate around the site. The hierarchy of streets within the development include the following street types: Main Street, Residential Street, Shared Surface / Private Drive. The Design Code stipulates a set of requirements for each street type which include minimum carriageway widths, footpaths, location of parking provision, street trees, front boundary treatments and setback distances of individual plots. As shown in Figure 4 below, which identifies the cross section for the 'Main Road' as an example, the proposals generally accord with the requirements in relation to the hierarchy of streets within the site.





**Figure 4: Proposed cross section of the Main Street.**

- 13.3.18** The frontage of the buildings largely in accordance with the Design Code with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there is some parking towards the front of some dwellings which is not ideal, however, this hard standing area is broken up with soft landscaping and thereby on balance the visual impact within the street scene is minimal. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance.
- 13.3.19** The proposals provide an active street frontage throughout the site and the houses have been designed to overlook streets and open spaces offering surveillance. The scheme will be internally facing due to the landscaping buffers around the perimeters of the site.
- 13.3.20** The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential and the surrounding built and natural environment.
- 13.3.21** A clear layout and other routes help people to find their way around so that journeys are easy to make. It is considered that the layout responds to active travel standards. The proposals have given priority to pedestrian and cycle movements, subject to location and the potential to create connections. By considering and prioritising pedestrians and cyclists this has resulted in the creation of routes that are safe, direct, convenient, and accessible for people of all abilities. They have been designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that future occupiers and people will want to use them. The existing public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes.

- 13.3.22** In respect to other facilities and services, the Design Code requires that the site must provide a mix of uses which is to include a 100sqm office hub and should be placed in an appropriate location which promotes its use. It is noted that the office hub does not form part of this reserve matters application, however the Applicant has indicated this building is to be located to the south-west of the residential area adjacent to the countryside park which is the preferred option to Little Dunmow Parish Council in which the building will be transferred to.
- 13.3.23** The site should provide opportunities for community food growing at allotments or a community orchard. The site must provide opportunities for play in the form of a LEAP and LAP and that a generous green corridor along the northern and western boundaries is to provide a new 'countryside park' offering an amenity resource for future residents. The layout of the site ensures that open space provision as required by the Design Code is provided.
- 13.3.24** The proposed layout generally accords upon the principles of the illustrative masterplan alongside the outline planning application and the Design Code including how buildings, internal highways and opens space areas are placed and orientated throughout the site. Each Character area will contain its own individual design components which help make all three areas distinct from one another.
- 13.3.25** The proposals by reason of its appropriate layout of its buildings and spaces would result in a well-designed development that will have a positive and coherent identity for the future occupiers of both the residential and commercial aspects.
- 13.3.26** The approved Design Code requires an 8m landscape buffer from the existing housing along Ainsworth Drive and the proposed housing and that this area must be fenced off so that it is not publicly accessible, and that gates must be provided so the space can be maintained as part of the management regime for the public open space. No such fencing or gates has been indicated on the boundary treatment plan and thus results in secure by design issues. Fencing needs to be provided.
- 13.3.27** Scale
- 13.3.28** The Design Code stipulates that the development must include a mix of terraced cottages, large detached and semi-detached houses, in accordance with the character area descriptions. A wide mix of properties have been included within the design, from apartments and terraced properties to small and larger detached and semi-detached dwellings in accordance with requirements.
- 13.3.29** Development must be a maximum of 2.5 storeys in height, with 2 storey dwellings the most common height. Furthermore, the buildings must follow the building dimensions parameters as set out in Figure 5 below:

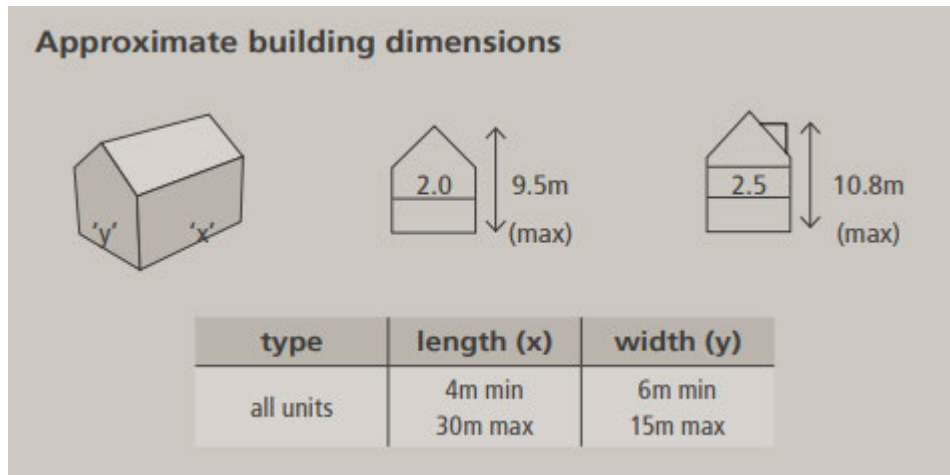


Figure 5: Extract from Design Code stipulating building dimensions.

**13.3.30** Upon review of the house types package drawings ref: P23-0555\_DE, all building types comply with the minimum and maximum dimensions as detailed above.

**13.3.31** 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. As shown in Figure 6 below, although it is acknowledged that 2.5 storey buildings are generally provided within the centre of the site, they are not positioned on key corner locations but rather along the internal highways in a linear row, thus failing to provide key nodal buildings within the development. It is suggested that there is a lack of key nodal buildings and the end of the end of vistas within the development.

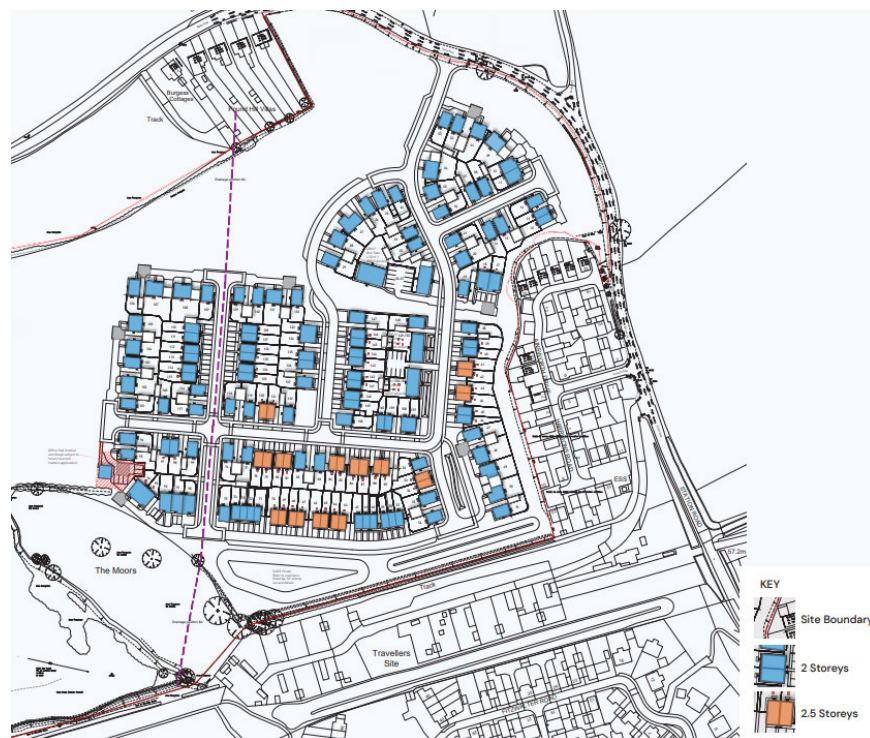


Figure 6: Storey Heights Plan.

- 13.3.32** The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings.
- 13.3.33** Although a variety of house types have been utilised along frontage to key areas to give a varied roofscape and enhance the character of the development it is considered that the design could be enhanced with the provision and better use of key nodal buildings.
- 13.3.34** The scale and proportions of the buildings appropriately frame the internal spaces and highways and are typical of the built form in the locality and thus helping to contribute positively to the local character.
- 13.3.35** The proposals generally adopt typical building forms, composition, articulation, and proportions in the locality and thus the scale and form of the proposals are deemed to be appropriate.
- 13.3.36** Appearance:
- 13.3.37** Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture.
- 13.3.38** The materials used for a building affect how well it functions and lasts over time. They also influence how it relates to what is around it and how it is experienced. The scale, form, and appearance of a building influence what materials may be appropriate for its construction. Materials should be practical, durable, affordable, and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings.
- 13.3.39** To complement the existing local vernacular, the different house types have been designed with a range of architectural detailing as referred to the Design Code.
- 13.3.40** The dwellings are more contemporary in design with elements of traditional detailing. 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.

**13.3.41** Drawing reference P23-0555\_DE\_005 (Materials Plan) confirms that each dwelling will have its own sense of individuality because of different external finishing which will help to endorsed and to provide a coherent street scene.

**13.3.42** Window and door openings have been arranged to emphasise the visual strength of the facades by allowing as much as possible wide solid piers as between openings and to help provide a symmetrical and balanced appearance. The use of canopies over doorways, Chimneys, dormer windows, front protecting gable ends are all features that help to provide articulation and visual interest within the street scene.

**13.3.43** The architectural treatment has been designed to provide a cohesive development, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy and the approved Design Code.

**13.3.44** The scheme proposes to interpret the Essex vernacular in a modern way, using contemporary building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.

**13.3.45** The proposals seek to respond to the location of the site on the edge of the village of Flitch Green and provides a good quality development. The vernacular, architectural detailing and features will respond and contribute to local character.

**13.3.46** Quality of Accommodation:

**13.3.47** All the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.

**13.3.48** Considering this, the new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new home will function, be adaptable and cater to changing lifestyles that meet the needs of families, children and older people.

**13.3.49** For a two-bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to

be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For a 1-bedroom unit/flat such as those contained within the apartment buildings and 1-bed bungalows, a minimum area of 25sqm is required. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.

**13.3.50** All residential units within the scheme have been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers. The location also shows no gardens backing onto the Flich Way in accordance with Condition 26 of the outline permission.

**13.3.51** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures. Robust and effective designs provide an excellent mechanism to ensure that such measures are delivered within new schemes, and this is covered within the approved Design Code which illustrates the mechanisms that should be adopted for all new dwellings within the scheme to providing appropriate mitigation to climate change.

**13.3.52** The Applicant has stipulated within their supporting Design and Access Statement that the proposed new dwellings will include measures as outlined in the Design Code to mitigate climate change by including the following measures:

- 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.
- Homes designed to take into account increasing annual temperatures set out in the UKCP18 climate projections to minimise the risk of overheating.

**13.3.53** It is suggested that a suitable worded planning condition should be imposed if permission is granted for the applicant to provide details prior to the construction of the dwellings how the proposals will meet the required standards set out in the Interim Climate Change policy and the approved Design Code aligned with the outline permission.

**13.4 B) Dwelling Mix and Affordable Housing Provision**

- 13.4.1** 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. Paragraph 62 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.
- 13.4.2** The S106 agreement attached to the outline planning permission specifies that no less than 40% of all housing units are to be affordable housing units including 4 of the 9 proposed bungalows to be constructed as part of the development. The affordable units will be 70% affordable rented units and 30% shared ownership units and that the units will be positioned in clusters of no more than 10 units per cluster.
- 13.4.3** A total of 64 residential units are provided as affordable housing with an appropriate split between affordable rented and shared ownership. Further 4 of the 9 bungalows are affordable units and the clusters within the development are generally well spread across the site and contain no more than 10 affordable units. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.
- 13.4.4** The S106 Legal Agreement attached to the outline permission requires that 5% of the total affordable dwellings shall be built in accordance with the requirements of M4(3) (wheelchair user dwellings). 5% of 64 amounts to a need of 4 units across the site to be built to M4(3) standards.
- 13.4.5** Section 5 of the Design and Access Statement and the Technical Drawing ref: P23-0555\_DE\_003G confirms within the accommodation schedule that 4 units will be built to M4(3) standards and thus complying with the requirements of the S106A.
- 13.4.6** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's general stance is that this should equate to approximately 50% of the dwellings.
- 13.4.7** This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 71 of the 96 market dwellings proposed comprise of 3 bedrooms or more which equates to 68%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide more 2- bedroom dwelling units, on balance it is

considered that the mix of dwellings across the development is appropriate.

**13.5 C) Access to the site and highway issues.**

**13.5.1** Access:

**13.5.2** The details of vehicle access to the site were approved as part of the outline permission ref: UTT/19/3596/OP

**13.5.3** A new vehicle crossover providing the main point of egress for the whole site will be located close to the north-eastern corner of the site along 'Station Road'. A primary main road will then enter the site and extend through the residential element of the scheme with residential streets and private drives extending thereafter linking to the main road.

**13.5.4** Pedestrian and Cycling Movement:

**13.5.5** As per the requirements of the approved Design Code, the development of the site is to provide 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 Flitch Way. 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 alongside the roads should be surfaced, as should the connections to the Flitch Way.

**13.5.6** Pedestrian and cycle access points have been provided throughout the residential areas and wider open space. The primary access point is provided off Station Road, with pavements provided as part of the access road for easy pedestrian and cycle access to nearby bus stops and services within Flinch Green.

**13.5.7** Pedestrian access is also provided from the Flitch Way, with two connection points provided along the existing Public Right of Way and further access points to the corners of the site. A further pedestrian access point is proposed to the north west, connecting to the existing footpath network and providing connections to Little Dunmow.

**13.5.8** The development generally responds to local residential layouts and provides good connectivity to adjoining communities.

**13.5.9** Parking:

**13.5.10** 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.



- 13.5.11** The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition, each dwelling should also be provided with at least 1 secure cycle covered space.
- 13.5.12** All parking spaces are to be of a minimum of 2.9m x 5.5m with detached garages having internal dimensions of 3m x 7m. 1 bedroom homes have 1 parking space, 2 and 3 bedroom homes have 2 spaces and 4 bedroom or more homes have 3 spaces.
- 13.5.13** Based on the accommodation mix provided, a minimum of 348 off street parking spaces would be required across the residential element of the development.
- 13.5.14** The total amount of off-street parking spaces has not been provided within any of the supporting documentation submitted in support of the application. However, a rough count of the parking spaces including the potential for garage parking as indicated on the Parking Management Plan drawing ref: P23-0555\_DE\_013 as referred to in Figure 6 below indicates that there may be the provision of 371 off street parking spaces throughout the residential element. These would be accommodated within a range of options including integral and detached garages, and off-street parking.
- 13.5.15** However, it is important to note that no drawings have been submitted of the proposed garages and as such it is not known as to whether the proposed garages would comply with the minimum internal dimensions to constitute as an off-street parking space. As such it is not known as to whether there is sufficient off-street parking across the site to meet the needs of future residents.
- 13.5.16** Furthermore, a well-designed arrangement of on-street car parking provides convenient access to frontages and can add to the vitality of a street. Conversely, poorly designed car parking can create safety problems and reduce the visual quality of a street.
- 13.5.17** The proposals result in a significant proportion of triple tandem parking across the development. Approximately 55 residential dwellings or 1/3 of the dwellings incorporates tandem parking.
- 13.5.18** Streets have many functions, and whenever schemes and designs are being developed it will be essential to consider all their functions to achieve and maintain a high standard of design. Providing for movement along a street is vital as its main function. Movement both along and across the street should be considered together and in balance, in the overall design.

- 13.5.19** Tripple tandem parking tends to lead to an overspill of vehicles onto the highways which ends up resulting in unwanted traffic congestion and detrimental to the function of the highway which is main priority is form movement from point A to B and reduces the visual qualities of the street scene contrary to good place making.
- 13.5.20** There should be less triple tandem parking across the development. Driveways associated with garages and parking areas for three cars of more should preferably be double width.
- 13.5.21** The adopted parking standards requires a minimum of 1 visitor parking space for every 4 residential units. For 160 dwellings proposed as part of this scheme, this would amount to 40 visitor parking spaces across the site.
- 13.5.22** The parking Management Plan as shown in Figure 6 below identifies three distinctive strips highlighted in yellow. This strips total 240m in length and are to provide a total of 40 visitor parking spaces. Although the development may provide 40 spaces, it is regarded that the location and position of this spaces are not appropriately located throughout the site for easy convenience for those visiting. Furthermore, containing the visitor parking in three distinctive areas will result in a Hevey car dominated frontage along these parts of the highway inappropriate to providing a high-quality design. It is submitted that a better design solution would position the visitor parking sporadically throughout the site for ease of accessibility for all and to limit car dominate frontages.



Figure 6: Extract of Parking Management Drawing ref: P23-0555\_DE\_013

**13.5.23** The applicant stipulates that cycle storage will be provided within all plots as follows:

- Dwellings with a garage – secure space within garage
- Dwellings with no garage – sheds will be provided in rear gardens for secure store provision.
- Flats – communal cycle stores to be provided.

**13.5.24** Under normal circumstance, the above provisions would be considered appropriate, however, in this case no details have been provided within any of the supporting drawings that there are indeed sheds provided for those dwellings without garages or cycle stores for apartment buildings. Thus, it is suggested that details of sheds and cycle stores should be imposed by way of planning conditions.

**13.5.25** Refuse:

**13.5.26** A Refuse Tracking Plans ref: 134390-RSK-ZZ-ZZ-DR-C-0026 P01 and a Waste Management Plan ref: P23-0555\_DE\_008 have been submitted in support of the application. All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe, and convenient collection of refuse and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

## **13.6 D) Heritage**

**13.6.1** 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.

**13.6.2** 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

**13.6.3** At the time of preparing this report, the Council are not in receipt of any consultation response from Place Services Conservation Officer. However, the conservation officer confirmed within their formal response

as part of the outline application that they were concerned that the proposals because of additional built form would result 'less than substantial harm' of a low to modest scale on the spectrum upon the setting to the properties known as 'Brights Cottage', 'The Cottage', and 'Willow Cottage'.

**13.6.4** Taking all into matters into consideration, it was previously concluded as part of the assessment and final decision of the outline permission and taking into account of previous appeal decisions made by Inspectors on nearby adjoining sites that the significant public benefits would overcome the identified harm upon the heritage asset identified.

**13.6.5** The built form of the development is set approximately 150m away from the site's western boundary in line with the parameter plan as approved by the outline permission and behind a significant countryside park area that will contain existing and new soft planting. This will limit the effects on the designated heritage assets.

**13.6.6** As with the assessment of the outline permission (refer to committee report), it is deemed that the benefits of the proposals would outweigh the identified harm when one applies the titled balance.

### **13.7 E) Landscaping and open space**

#### **13.7.1** Landscaping:

**13.7.2** All larger development 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.

**13.7.3** Existing mature vegetation along the boundaries of the site have where possible been retained and are used to enhance public open space areas throughout the development to achieve a better sense of wellbeing and place making for future occupiers within the development.

**13.7.4** Planting should be provided to all front gardens to encourage future residents to maintain these and add interest to the street scene.

**13.7.5** The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in.

**13.7.6** The Applicant refers to within their supporting 'Landscape Statement' that the frontage of residential plots will consist of an ornamental plant palette to help create pockets of impact and provide definition to the various spaces within the development. Plant mixes will be predominantly evergreen species to provide year-round colour with seasonal perennials and bulb interest.

- 13.7.7** Extensive grassed areas and garden beds along with street trees along the main road will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.
- 13.7.8** The surface finishes materials for the hard standing areas across the development consist of concrete block paving to private driveway, and a materials palette of sorts for the carriageways which will reflect the Design Code to provide a hierarchy of streets to guide residents and create more private zones. The use of different hard standing materials and tones will delineate the ground plane and define circulation through the site.
- 13.7.9** Arboriculture:
- 13.7.10** The impact upon arboriculture and the loss of any potential vegetation was assessed as part of the outline application. It was confirmed as part of the assessment and confirmed within the then supporting Arboriculture Impact Assessment that the only removal will be of low-quality scrub and hedgerows and a single category B English Oak which will be required to be removed to accommodate for the new access. No objections were raised to removal of this vegetation by the Council's landscape officer.
- 13.7.11** Open Space:
- 13.7.12** The vision for the site as stipulated within the Design Code was for the inclusion of large areas of public open space largely in the form of country parkland; including play facilities, cycle and walking routes, significant tree planting, and community food production through orchards and allotments.
- 13.7.13** Open space should be concentrated in a large useable area and smaller incidental open spaces should be found within the residential area. To the south of the site, a separate green corridor is required to create a substantial buffer to the Flich Way.
- 13.7.14** The proposed development includes the provision of a new country park covering approximately 60% or 8.4 hectares of the total site area in line with the Design Code and Parameter Plans. The country park is to be located to the north and west of the site and it will include allotments, a community orchard, wildlife meadow and a play area. A further buffer zone including the SuDs attentional pond is provided to the south of the site.
- 13.7.15** The country park as per the objectives of the Design Code would retain the physical and visual separation between Flich Green and Little Dunmow and to minimise the effect on the visual amenity of views from the surrounding landscape. Space will contain nature walks, play-on-the-way, cycle trails, and preserve public rights of way.

- 13.7.16** A naturalistic palette of natives, fruiting, and flowering trees of clear and multi-stem will be provided throughout the site with slender and tall trees to line streets throughout the phase.
- 13.7.17** As shown on the development framework plan, the Moors woodland will be retained and integrated into the public open space.
- 13.7.18** With regards to the southern portion of the site whereby the proposed Suds attention pond is to be located, the Design Code stipulates in respect to landscaping within this area, that marginal plant mixes should be planted to attenuation basins and swales to maximise habitat creation whilst also managing water in a sustainable and ecologically-beneficial manner. This has been appropriately achieved.
- 13.7.19** Any landscaping scheme should also have a focus to maximise biodiversity and be encouraged throughout the site. The design of countryside park and particular the wildlife 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. The mixture of landscape typologies will provide a network of diverse habitats that are connected to those across the wider landscape.
- 13.7.20** Play Areas:
- 13.7.21** The Design Code stipulates that the site must provide opportunities for play in the form of a LEAP and LAP and that all dwellings must be within the recommended walking distance for one or more of these facilities.
- 13.7.22** Across the site there will be a mix of formal and informal play spaces to provide active spaces for people of all ages. The provision of a Local Area for Play (LAP) has been provided centrally within the site. A natural play area with soft boundaries in the form of a LEAP will be provided within the countryside park, located close to the development edge for easy accessibility and natural surveillance.
- 13.7.23** The Design Code also stipulates that where possible, further informal play opportunities will be encouraged along key routes in the form of naturalistic play. The proposals incorporate the inclusion of a 'trim trail' within the country park, providing an active resource for children's play as well as exercise and recreation for the wider population.
- 13.8** **F) Biodiversity and Protection of Natural Environment**
- 13.8.1** 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.

- 13.8.2** Development sites should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021. Although there is a minimum mandatory 10% biodiversity net gain (BNG), the Council should encourage proposals to aim for a higher BNG taking into consideration that larger sites and sites of higher agricultural value should naturally seek greater BNG.
- 13.8.3** Although formally consulted, at the time of preparing this report, as with other consultees, the Council does not have receipt of either an informal or formal consultee response from Essex County Council Place Services Ecology Officer.
- 13.8.4** However, it is advised, that in respect to the assessment of the previous outline permission that was granted consent ref: UTT/19/3596/OP, Place Services Ecology Officer confirmed in their formal response that in respect to BNG, they supported the reasonable biodiversity enhancements including new native planting, the creation of wildflower grassland, wetland features and log piles, the installation of Bat boxes, Hedgehog nest domes, bird boxes and bee bricks.
- 13.8.5** Furthermore, to ensure the protection of protected and priority species and their habitats it was suggested that conditions be imposed on the outline permission to secure means of skylark and reptile mitigation strategies, biodiversity enhancement strategies and a Landscape and Ecological Management Plan (LEMP) are submitted and approved by the LPA prior to works commencing on site. These have been imposed as Conditions 14 to 20 on the outline permission.
- 13.8.6** It is not unreasonable to suggest that the Ecologist will once again confirm that the proposed BNG will be appropriate, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021.
- 13.9 G) Drainage**
- 13.9.1** The adopted Development Plan Policy GEN3 requires development outside flood risk to avoid increasing the risk of flooding through surface water run-off.
- 13.9.2** As part of the outline consent allowed by the Inspector, Condition 7 as imposed on the decision notice requires that prior to the commencement of the development the applicant is required to provide a detailed surface water drainage scheme for the site, based on sustainable drainage principles. The Design Code also stipulates that the 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.
- 13.9.3** The applicant in conjunction with this reserve matters applicant as submitted a discharge of details application seeking approval of condition

7 in relation drainage of the site. This application has been formally consulted to Essex County Council who are the lead locally flooding authority. At the time of writing this report, no formal consultation response has been received from the flooding authority to the local planning authority as to the acceptance of the details surrounding drainage.

**13.10 H) Whether the proposal would cause harm to the amenities of adjoining property occupiers**

**13.10.1** Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

**13.10.2** The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. As required an 8m buffer zone has been provided between the existing properties along Ainsworth Drive and the proposed housing. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive nor overbearing when viewed from adjoining properties.

**13.10.3** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, Condition 11 imposed on the outline consent requiring a Construction Environmental Management Plan would ensure to address these points when the details are submitted.

**13.10.4** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2 and GEN4.

**13.11 I) Planning Obligations**

**13.11.1** 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 matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

**13.11.2** The Section 106 Legal Agreement to permission UTT/21/3596/OP specifies several obligations/requirements in which proposals need to comply with. The proposals have been checked against of the S106 agreement and it is confirmed that the proposals have been designed to facilitate the necessary obligations/requirements as highlighted in the S106 agreement.

**13.12 J) Other matters**



- 13.12.1** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.
- 13.12.2** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.
- 13.12.3** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.
- 13.12.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 05.09.2023. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.
- 13.12.5** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

#### **14. CONCLUSION**

- 14.1** This application relates to the reserved matters following a decision made by the Council to allow outline planning permission with all matters reserved except for means of access for a residential development of up to 160 dwelling, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure under application ref: UTT/21/3596/OP.
- 14.2** The office hub as approved as part of the outline consent is excluded from this application and will subject to a future reserve matters application.
- 14.3** The scheme is major planning application and has been submitted to the Planning Inspectorate (PINS) for determination. This means that the Uttlesford District Council Planning Authority is not the decision maker but rather a consultee whereby the Council may submit comments to PINS.
- 14.4** The application has been consulted to statutory and non-statutory, however, at the time of the preparation of this report, no such formal comments have been made available.

**14.5** As such, without all the available information from relevant statutory consultees, one can't conclude at this stage whether the proposals would amount to an acceptable scheme regarding to the layout, scale, appearance, and landscaping of the residential and countryside park of the scheme.

**14.6** Nevertheless, it is concluded that as a minimal, that as part of the Uttlesford District Councils consultation response to the Secretary of State, advice should be given to those observation highlighted in Section 1 (Recommendation) that should be given full consideration in the decision-making process.

**15. CONDITIONS**

**15.1** Below is a list of conditions that will be suggested to the Planning Inspectorate if they are mindful of approving this reserve matters scheme. It is acknowledged that statutory and non-statutory consultees have until the 5<sup>th</sup> September 2023 to provide formal comments to the Planning Inspectorate whereby they may suggest to impose further conditions. Subject to these suggested conditions meeting the required tests, they should also be imposed on any decision.

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

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

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

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

**3** The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

REASON: To ensure that the appearance of the development is satisfactory in accordance with Local Policy GEN2 Uttlesford Local Plan Adopted (2005) and the National Planning Policy Guidance.

- 4 Prior to commencement of the development hereby approved, measure of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV13 and GEN2, of the Uttlesford District Council Local Plan as Adopted (2005), the National Planning Policy Guidance, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.