

REF: 01023/GA/DJ/L0002

20 September 2023

Sent by email to: section62a@planninginspectorate.gov.uk

Leanne Palmer
 The Planning Inspectorate
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 Temple Quay
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Dear Ms Palmer

S62A/2023/0021 Moors Field, Station Road, Little Dunmow, Essex

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

Further to our letter of 15th September 2023 and your subsequent email of 18th September 2023 advising of further consultation responses, we are pleased to provide an updated note on our client’s intended revisions to the application below.

We understand that the consultation period for the above application ended on Friday 15th September and that the next stage is for officers to review consultation responses with the Inspector before deciding the process for determining the application. As discussed with Mark Boulton on Wednesday 6th September 2023, our client proposes to make some amendments to the proposal in response to the comments received.

We set out in this letter the scope of the changes proposed so that they can be considered in the round when the consultation responses are reviewed. We would appreciate confirmation from PINs that the proposed amendments to the scheme will be accepted, following which we will submit revised proposals as soon as possible. We would be happy to agree an appropriate extension of time to allow for this.

We have provided a summary of the consultation comments that require a response and any proposed amendments below:

Consultation Response	Comments / Proposed Amendments
<p>Active Travel England: Detailed comments primarily on footpath/cycle connections through the open space, but some comments on the layout.</p>	<p>The project’s engineers and landscape architects are reviewing the comments. We consider that the points raised can be resolved with clearer plans and clarification. We will provide a plan to show the movement strategy and clarify the points raised.</p>

<p>ECC Archaeology: Recommends condition requiring programme of archaeological evaluation.</p>	<p>Noted. No amendments required. The proposed conditions are not necessary as they are identical to conditions 29-33 on the outline consent.</p>
<p>ECC Highways: Detailed technical comments and additional details requested.</p>	<p>The project's engineers are reviewing the comments received. It is likely that resolving these comments will require some amendments to plans.</p>
<p>ECC Lead Local Flood Authority: Holding objection requesting a more legible plan.</p>	<p>An application has been submitted to UDC to discharge Condition 7 (Ref: 23/00836/DISCON) which includes detailed drainage plans. Our client has responded to the LLFA's comments on the condition application and is awaiting a revised response from them. An update will be provided with any revised submission for the reserved matters application.</p>
<p>Environmental Health: Refers to outline conditions requiring CEMP, Phase 2 Contaminated Land Assessment and a Road Traffic Noise scheme. Response states: <i>"It should be noted that Good Acoustic Design may require changes to layout and orientation of dwellings and amenity areas to achieve the noise standards required. I would therefore advise that consideration is given to requesting the applicant to submit the noise scheme at this Reserved Matters stage to ensure that the proposed layout will achieve the noise standards stated in the outline Planning Condition."</i></p>	<p>Condition 13 requires a noise levels to be complied with in accordance with a mitigation scheme to be submitted, but there is no trigger for when it should be submitted. Considering the Noise report from the outline planning application stated a <i>"low risk of adverse effect"</i> and that the highest level of mitigation would be 15db which can be achieved through single glazing, our client is comfortable that they can deliver the required noise values set out at condition 13. The orientation of the plots means the gardens are sheltered and if required mechanical ventilation can be provided for any affected plots. It is not therefore considered necessary for noise report to be submitted with the Reserved Matters.</p>
<p>Essex Bridleways Association and Flitch Way Action Group: Makes comments on how the S106 contribution to Flitch Way improvements should be allocated and states <i>"Any link routes through or around this development should make provision for horse riders as well as cyclists and pedestrians. Cycle tracks exclude and discriminate against equestrians and are especially inappropriate when they are proposed as routes connecting to a pre-existing bridleway."</i></p>	<p>The financial contribution towards improvements to the Flitch Way is secured in the S106 agreement for the development. Little Dunmow Parish Council has mentioned that are not supportive of having bridleways through the site. We do not consider it necessary for bridleways to be provided on the site.</p>
<p>Flitch Green Parish Council (via Holmes & Hills Solicitors): Response focusses solely on matters of principle and highways.</p>	<p>All the matters raised were resolved at outline stage and it is unclear why the Parish Council's solicitors consider them relevant to the consideration of the reserved matters application.</p>
<p>Hertfordshire and West Essex Integrated Care Board: Reminder of contribution already secured through S106.</p>	<p>Noted. The financial contribution is secured in the S106 agreement for the development.</p>
<p>Little Dunmow Parish Council: Supports application.</p>	<p>Noted. Our client has worked closely with Little Dunmow Parish Council and will continue to do so going forwards through the provision of the office hub.</p>
<p>MAG Safeguarding (Stansted Airport): Recommends conditions on bird risk and dust during construction with relation to flight safety.</p>	<p>Noted. The bird risk condition is not necessary as it is covered by condition 34 on the outline consent.</p>

<p>Public comments: Five comments received. Two objections on highways capacity / safety, need for speed bumps in Felstead and environmental impact. One objection from a resident in Ainsworth Drive concerned about privacy and overlooking. One neutral response suggesting a need for visitor parking to the west of the site. One response raising concern that their house might need to be compulsorily purchased to enable sewage treatment works expansion.</p>	<p>Highways capacity and safety was dealt with at outline stage. The proposal will deliver an 8m landscape buffer between the proposed housing and existing properties in Ainsworth Drive. Visitor parking is proposed to be reviewed in response to UDC Planning Department's comments (see below). Whether there is a requirement for sewage treatment works improvements is beyond the scope of this application and is the responsibility of Anglian Water.</p>
<p>UDC Conservation Officer: States that the proposal will not have an adverse impact on designated assets, but then sets out that there will be less than substantial harm and suggests a condition requiring a LVIA.</p>	<p>We are confused by this response. The level of less than substantial harm to heritage assets was agreed and accepted at outline stage. An LVIA was also submitted and landscape matters covered at outline stage.</p>
<p>UDC Housing Strategy: Confirms Affordable Housing mix is agreed. Requests a schedule of accommodation to confirm the size of dwellings in square metres and the numbers of persons each can accommodate. Requests clarity regarding the location of the affordable plots as not clear from the DAS.</p>	<p>The requested schedule and a plan showing more clearly the location of the affordable plots will be provided with the revised submission.</p>
<p>UDC Planning Department: As set out in our letter dated 15th September 2023, at this time we had not received UDC's formal response to the application, but we had reviewed the report taken to the UDC planning committee on 13/09/23 and we were able to listen remotely to the committee meeting.</p> <p>The council's written response is as we expected following the committee meeting. In summary, officers have made a number of comments regarding:</p> <ul style="list-style-type: none"> - the design of individual dwellings (e.g. nodal building and dormer window design); - points of clarification (e.g. bungalow locations, NDSS compliance and back to back distances); - parking provision (e.g. number of spaces, parking design, visitor parking locations and parking for allotments); - Fencing required to landscape buffer with Ainsworth Drive; and - A greater buffer being required to the retained Moores Wood. <p>At the committee meeting, officers also raised a concern regarding the lack of pre-application consultation and they were highly critical of our client's approach in this regard. This is reflected in their written response.</p>	<p>The project's architects are reviewing the comments received. It is likely that resolving these comments will require some amendments to plans including to the proposed parking provision and the design of some of the dwellings. The proposed changes are not likely to be significant and we will respond in detail on the various points of clarification requested.</p> <p>With respect to the comments on providing a buffer to Moores Wood, this was raised by members at committee as the submitted plans give the impression that our client's proposals have moved closer to the wood than shown on the outline application plans. This is not actually the case and we will provide overlay plans to demonstrate that our client's plans simply show more of the woodland as being retained.</p> <p>It is necessary to respond to the criticism from officers regarding the lack of pre-application consultation. When presenting to planning committee, officers failed to mention that our client did try to engage in pre-application discussions. On behalf of our client, we submitted a pre-application advice request in May 2023 and were told that the Council's fee for providing advice would be £24,000. This is almost two thirds of the reserved matters application fee. We responded to officers that we considered this fee to be excessive and we requested a fee more commensurate with the level of advice sought, but were told that the only option was to pay the £24,000. We have enclosed email communications with officers to demonstrate the effort made and what we feel is a failure on behalf of the Council to engage positively with our client.</p>

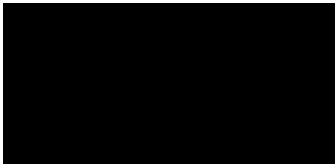
	Our client's desired approach to pre-application consultation is demonstrated by the positive engagement and response to the application from Little Dunmow Parish Council. It is unfortunate that a similar level of dialogue was not possible with UDC.
Uttlesford Design Review Panel: Recommends that an independent design review is undertaken by them.	We do not consider this to be required. PINs as the decision-making authority are more than capable of reviewing the proposed design of the scheme.

The following comments are also noted, but we do not consider that they require a response or any amendments to the scheme:

- **Cadent Gas:** Maps showing assets in local area.
- **Environment Agency:** No comment.
- **Essex Police:** No comments on layout.
- **Gigaclear (broadband):** Map showing gigaclear network in local area.
- **Historic England:** No comment.
- **MAG Highways:** No comment.
- **NATS Safeguarding:** No conflict with safeguarding criteria for air traffic.
- **National Highways:** No objection.
- **Natural England:** No objection.
- **UK Power Networks:** Maps showing assets in local area.

We look forward to hearing from PINs once the consultation responses to the application have been reviewed. If you require any further information at this stage please do not hesitate to contact me.

Yours faithfully



Geoff Armstrong 
Director
Armstrong Rigg Planning


Encs.