



**The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013**

**ISSUES REPORT**

**Application Reference No:** S62A/2023/0021

**Applicant:** Dandara Eastern Limited

**Description of proposal:** 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.

**Site address:** Moors Field, Station Road, Little Dunmow, Essex

**Report prepared by:** Wayne Johnson BA(Hons) Dip TP Dip UDR MRTPI

**Hearing to be held on:** 10:00 on Thursday 22 February 2024 at Council Chamber, Uttlesford District Council Offices, London Road, Saffron Walden, Essex CB11 4ER

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**Introduction/background**

1. The application site is vacant arable farmland, having a site area of some 14.06 hectares. The application is submitted as a reserved matters planning application, following the approval of outline application UTT/21/3596/OP on 2 March 2023. In summary the scheme would provide up to 160 new homes including 40% provision of affordable units; Delivering public open space that would cover over 60% of the site formed of a countryside park, community allotments and orchards; Delivery of significant tree planting, throughout the development and the provision of a circular walking and cycle trail connected to the existing Public Right of Ways (PRoWs) and the Fitch Way National Cycle Route. However, the office hub as approved as part of the outline consent is excluded from this application and will be subject to a future reserve matters application.



2. Decisions on planning applications are made in accordance with the development plan unless material planning considerations indicate otherwise. The Development Plan comprises the Uttlesford Local Plan 2005 (LP), particular relevance are LP Policies GEN1, GEN2, and GEN8. The new local plan is still an emerging document.
3. The revised National Planning Policy Framework published on 19 December 2023 (the Framework) contains relevant national planning policies. It is an important material consideration. Its central aim is to achieve sustainable development: economic, social, and environmental. Planning Practice Guidance (PPG) supports the Framework. There is an increased emphasis on good design as set out in the more recent iterations of the Framework.
4. In considering whether to grant permission for development affecting a listed building or its setting special regard must be had to the desirability of preserving it or its setting or features of special architectural or historic interest.

### **Procedural matters**

5. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications directly to the Planning Inspectorate where an LPA has been designated by the Secretary of State.
6. An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted to Uttlesford District Council and separately to the Planning Inspectorate. It was found that the proposal would not give rise to significant adverse effects and an Environmental Impact Assessment was not required.
7. The application was made on the 17 July 2023 and validated on the 11 August 2023. The notifications and consultation period then began on the 15 August 2023, and allowed for initial responses by 15 September 2023. Responses were received from a number of local residents and:
  - Uttlesford District Council (UDC)
  - UDC Environmental Health
  - UDC Housing Strategy
  - UDC Heritage Conservation
  - Uttlesford Quality Review Panel
  - NHS Hertfordshire and West Essex
  - Active Travel England
  - Flitch Green Parish Council
  - Little Dunmow Parish Council
  - Cadent Gas
  - Gigaclear
  - MAG Highways
  - MAG Safeguarding
  - National Highways
  - UK Power Networks
  - ECC – Highway and Transportation
  - ECC – Historic Environment
  - ECC – Flood Risk
  - Historic England
  - Environment Agency
  - Essex Police
  - Natural England
  - Essex Bridleways Association
  - NATS Safeguarding
8. On 21 September 2023, the decision was taken that as a major application, a Hearing was appropriate in this case. It was later confirmed following discussions

with the parties that it would be held on 23 November 2023. However, following a substantial amount of documentation submitted by the applicant on 21 November 2023 (the latest submission), it was decided to postpone the event scheduled for 23 November 2023 after concerns were raised by UDC. The Hearing was then re-scheduled to take place on 22 February 2024 to allow a sufficient period of consultation to consider the latest submissions. The Hearing will be conducted in accordance with The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. This Issues Report is issued in accordance with Rule 5 of these Rules.

9. Throughout the process, the applicant was given the opportunity to address the interim consultee comments and having regard to the Wheatcroft principles, all relevant parties were given the opportunity for further comments on 13 October 2023. The applicant sought to address the latest concerns raised on the scheme through the latest submission, where further consultations were issued with a deadline of 19 December 2023. All of the responses received to date have formed the main issues, outlined later in this report.
10. UDC initially submitted an officer report, covering letter and minutes following a committee meeting. Within the officer report a number of suggested conditions have also been supplied in the event that the scheme is approved. The consultation response summarises these documents and sets out UDC's objections to the proposed development on a number of grounds. UDC then provided further comments following the submission of the amended details on 30 October 2023 and 15 December 2023. UDC considers that there have been some improvements made to address previous concerns in its letter dated 30 October 2023, but is of the view that there still appears to be areas that require further clarification and improvement, particular with respect to issues regarding highways and parking.
11. I carried out an unaccompanied site visit on the afternoon of 11 September 2023 which enabled me to view the site, the surrounding area and the nearby roads and PRowS. I am satisfied that I have seen everything I need to make my decision.

### **Main issues**

12. The following, in my opinion, are the main issues to be considered in respect of the application:
  - The effect of the proposed development on the character and appearance of the site and surrounding area;
  - The effect of the proposed development on highway safety, with particular regard to vehicle manoeuvres within the site and parking;
  - The effect of the proposed development on nearby heritage assets;
  - The effect of the proposed development on the living conditions of neighbouring occupiers, and whether satisfactory accommodation would be provided for future occupiers of the scheme.
  - The effect of the proposed development on Moors Wood; and,
  - The benefits of the proposal, compliance with the development plan, and the overall planning balance.

### **Other issues**

13. A number of other issues have been raised by interested parties. This includes, but not limited to: wider highway network; public transport; environmental impact and water supply.

### **Conditions**

14. The Council and some consultees have recommended or suggested conditions if the application is to be permitted. Without prejudice, these will be discussed at the Hearing as appropriate. Any discussion of their merits does not indicate that a decision has been made on the application, but only that the conditions suggested are to be assessed as to whether they are necessary, relevant, enforceable, precise and reasonable.
15. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the case officer before the Hearing opens. These will be published on the gov.uk website.

*W Johnson*

INSPECTOR (Appointed person under S76D TCPA)