

## UTT/13/1393/OP (TAKELEY)

**PROPOSAL:** Proposed residential planning application for erection of up to 100 dwellings to include provision of 5.7 hectares of public open space.

**LOCATION:** Land south of Dunmow Road, Brewers End, Takeley

**APPLICANT:** Amsted Properties Ltd

**AGENT:** Strutt & Parker

**EXPIRY DATE:** 27 August 2013

**CASE OFFICER:** Alison Hutchinson

**APPLICATION TYPE:** MAJOR

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### **1. NOTATION**

1.1 Outside development limits, Countryside Protection Zone.

### **2. DESCRIPTION OF SITE**

2.1 The site comprises 9.7ha and occupies a roughly rectangular area of open land to the south of Dunmow Road on the western edge of Takeley. The northern frontage of the site extends along a section of Dunmow Road while the wider, eastern boundary is shared with another development site (application ref: UTT/1335/12/FUL) or 41 dwellings. The site narrows to the west, where it is bounded by the existing dwelling Southside and the land to the rear. To the south the site is bounded by the Flitch Way public bridleway which is largely hidden from view by the intervening hedgerow and trees.

2.2 The land is currently in agricultural use and is generally level at the eastern end but slopes down to the west towards the dwelling, Southside. Opposite the site, on the northern side of Dunmow Road is Church Lane and the listed dwelling Millers with its outbuildings which extend along the Dunmow Road and Church Road frontages.

### **3. PROPOSAL**

3.1 The application is in outline with all matters reserved for latter approval apart from access. The application proposes a residential development of up to 100 dwellings on the eastern part of the site, to be served from a new access of Dunmow Road. The application has been amended so that the area of housing has been reduced from 4 ha to 3.4 ha and the public open space increased from 5.7ha to 6.3ha.

3.2 The access is to be positioned approximately 45m from the eastern boundary and some 70m from the access proposed in the application for the adjoining site. The location of the vehicular access point takes account of the need to provide adequate separation from Church Lane to the north and the proposed access point from the proposed development by Countryside Properties Ltd to the east. It is intended that pedestrian and cycle access will be provided directly onto the Flitch Way as part of the proposals. The applicants also propose to provide a marked crossing point across Dunmow Road at Brewer's End to help facilitate easy access to the nearby shops and services.

- 3.3 The residential development proposes up to 60 market dwellings and up to 40 affordable dwellings. The mix and number of dwellings on the site will be submitted as part of the reserved matters application but at this stage the applicants indicate that they will include larger market family dwellings and smaller affordable housing units as dictated by local need. It is also proposed that the dwellings will be predominantly two storeys in height with provision for three storey dwellings around the central focal point of the development. The height along the frontage with Dunmow Road will be limited to two and a half storeys. The applicants propose an area in the south-east corner of the site for bungalows.
- 3.4 The western part of the application site is proposed as public open space. A landscape buffer is to be provided between the dwellings and the public open space together with a play area. Access to the open space will be through the proposed development although an existing field access at the western end of the site will be retained.

#### **4. APPLICANT'S CASE**

- 4.1 Paragraph 14 of the NPPF sets out that where relevant policies in the development plan are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. There are three dimensions to sustainable development; economic, social and environmental.
- 4.2 The supply of housing is a central part of the social role of the planning system as made clear in paragraph 7 of the NPPF. The Core Planning Principles in the NPPF also make clear that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- 4.3 Uttlesford District Council is unable to demonstrate a five year supply of deliverable housing land. The delivery of housing is a national priority as stated in the Planning for Growth Ministerial Statements referred to by the Planning Inspector on the recent appeal at Land north of Ongar Road, Great Dunmow. The Inspector in that case found that the need to supply additional housing was "a significant material consideration in favour of the proposed development" at Great Dunmow. The site the south of Dunmow Road, Takeley would similarly provide homes to meet this housing need. This would be fully consistent with the social role of the planning system and the social aspect of sustainable development. It is considered that this should weigh heavily in favour of the granting of planning permission in this case.
- 4.4 Importantly the proposed development would also provide for a policy compliant 40% level of affordable housing on the site to help meet local needs. This is a priority of both national planning policy and local planning policy. The objectives of the Uttlesford Adopted Local Plan 2005 as set out within paragraph 1.13 include "Improving the supply of good affordable homes to meet the needs of the local community". The important contribution that this site can make to affordable housing in the District and the local area should also weigh heavily in favour of the granting of planning permission on this site.
- 4.5 The proposed development would also deliver a number of other community benefits. The key element of this is a large area of public parkland that would provide an excellent local recreational facility for residents. The parkland was well supported at the pre application public exhibition. The delivery of the parkland is fully consistent with paragraph 73 of the NPPF. Additionally the proposed development could also provide for financial contributions to the National Health Service to improve health provision within the area, financial contributions towards education provision to expand Takeley

Primary School, sustainable links to the Flitch Way, and new play equipment for the use of local children.

- 4.6 In economic terms the proposed development would assist in the delivery of housing to support local economic growth. The planning system acknowledges the importance of providing for sufficient housing to provide for local workers and so as not to stifle economic growth.
- 4.7 In terms of current population, Takeley is the fourth largest settlement in Uttlesford District, behind Saffron Walden, Great Dunmow and Stansted Mountfitchet. It also benefits from being very well connected, with easy links to the M11 to the north and south, and the A120 to the east and west. The site is located in very close proximity to the village centre of Takeley and is therefore a very sustainable location to accommodate the growth required in the NPPF to meet the housing land supply shortfall.
- 4.8 Takeley is also the closest settlement to Stansted Airport, which renders it a sustainable location to accommodate growth. Stansted Airport is identified in the emerging Local Plan as the one major employment centre in the District. The settlement benefits from very regular bus services to and from Stansted Airport, every 10 minutes.
- 4.9 In environmental terms the proposed development would be located on existing agricultural land and therefore would not result in the loss of land of high environmental value. A phase 1 habitat survey has been undertaken in support of the proposed development which confirmed that by following the recommendations in the report, the site could be enhanced for local wildlife post development. A Landscape appraisal and statement relating to the Local Plan Countryside Protection Zone policy has been undertaken which has confirmed that the development will not result in coalescence between existing development and Stansted Airport or affect the openness of the landscape. The development would include measures for sustainable drainage and the proposal is fully sustainable in environmental terms and would lead to an enhancement of the site for local wildlife.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/0984/88; Planning permission was granted in February 1990 for the change of use of application site and land to the south of the Flitch Way from agricultural land to 2 x 18 hole golf courses and practice facilities. Detailed application for erection of club house and one hundred bed hotel accommodation with conference and indoor leisure facilities and for the construction of a new access onto A120.
- 5.2 UTT/1437/98/REN Planning permission granted in June 1999 for the construction of a 150 bed hotel, conference rooms, leisure suite, swimming pool, crèche, tennis courts clubhouse 3 on course shelters, 2 x 18 golf courses, 1 executive course, ancillary works, landscaping and new access roads onto B183 and A120.
- 5.3 Subsequent permissions were granted for the discharge of conditions in relation to UTT/1437/98/REN.

## **6. POLICIES**

### **6.1 National Policies**

The National Planning Policy Framework (NPPF)

## 6.2 Uttlesford District Local Plan 2005

Policy S3 - Other Development Limits  
Policy S7 - The Countryside  
Policy S8 -The Countryside Protection Zone  
Policy GEN1 -Access  
Policy GEN2 - Design  
Policy GEN6 - Infrastructure Provision to Support Development  
Policy GEN7 - Nature Conservation  
Policy GEN8 - Vehicle Parking Standards  
Policy H3 - New Houses within Development limits  
Policy H9 - Affordable Housing  
Policy H10 - Housing mix  
Policy LC4 - Provision of Outdoor Sport and Recreational Facilities beyond Development Limits

## 6.3 Supplementary Planning Documents

Parking Standards: Design and Good Practice and Uttlesford Local Residential Parking Standards February 2013  
Accessible homes and play space (Nov 2005)  
Energy Efficiency and Renewable Energy (October 2007)

## 7. TAKELEY PARISH COUNCIL'S COMMENTS

This large scale development conflicts with UDC Local Plan Policies S3, S7 and S8 and would place undue pressure on the, already overloaded, infrastructure of this rural community. We have already seen the 'village' of Takeley grow in size from one of 1200 houses to one in excess of 2000 homes already. Any further large scale development is clearly unsustainable and would have serious impacts on this rural village. The full detail of this impact is as follows. With this in mind we feel this application should be determined by Committee.

- The planned development is outside village development limits & within the Countryside Protection Zone (CPZ).
- TPC objects to the loss of agricultural land.
- Policy S3: Other development limits states that 'development compatible with the settlements character & countryside setting will be permitted within these boundaries'. The proposed development conflicts with the character & countryside setting of this area of Takeley.
- This site is on the western slope of Cooks Hill which overlooks Hatfield Forest and Takeley Street. Ref. Planning Statement page 21 paragraph 6.4; despite the developer's assertions that the development will not compromise the objectives of the CPZ, TPC strongly argues that the height, scale and position of this proposal will be detrimental to the open characteristics of the zone (Policy S8: The Countryside Protection Zone ' development will not be permitted if it would affect the open characteristics of the zone').
- Policy S7: The Countryside 'applies to areas beyond Green Belt that are not within settlement/site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be granted where development needs to take place there, or is appropriate to a rural area'.  
'Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there'. TPC cites the scale of development that has taken place since 2006/07 has already undermined the rural character of Takeley, and further development

is not required, and would be detrimental to the local environment and countryside.

- Whilst Takeley is identified as a 'key village' in the draft local plan TPC highlights the lack of infrastructure to service the continual growth of the community. The village has doubled in size since 2007 with minimal increase in infrastructure. A Lack of the facilities makes further growth in the area unsustainable.
- As per letter to UDC from Essex County Council (30/5/13) 'there is unlikely to be sufficient early years & childcare places available to meet the needs of the proposed development'
- 'This development falls in the priority admissions area of Takeley Primary School which following relocation & expansion has permanent capacity to take 315 pupils. According to latest forecasts as published in 'Commissioning School Places in Essex 2012-2017' 369 places will be required by 2017'. It is therefore clear that there is already insufficient capacity to meet this demand & that this development will add to that need.
- Despite a campaign that dates back to 2007, there are no medical/health facilities within Takeley (GP or pharmaceutical).

**Rural restraint area:** 'The character of the countryside changes from one area of the District to another. The particular character comes from the relationship between historic settlements and groups of buildings, ancient woodlands, historic lanes, field boundaries, historic parks, geology, indigenous tree and hedge species, river systems and so on. Open elevated areas with long views to ancient woodland, typical of parts of Uttlesford, are particularly sensitive'. 'The countryside needs to be protected for its own sake, but not in such a way that the plan prevents evolution of economic activity that is part of life in rural areas and is in sympathy with its character'. TPC objects to this proposal which will undermine the character of the area which consists of open elevated areas with long views to ancient woodland i.e Hatfield Forest which is nationally recognised as a special area and is a unique example of a medieval hunting forest.

- TPC is extremely disappointed that the ECC Highways Assessment has not addressed safety issues in this vicinity. The B1256, through Takeley Street to the Four Ashes junction, is renowned for volumes of speeding traffic including a significant proportion of HGVs which has been recognised by ECC Highways & Essex Police:
  - (i) The speed limit on Cooks Hill is currently 40mph (positioned between two 30mph limit zones).
  - (ii) There is no safe crossing point from the south -north side of the (B1256) road to join up with village footways and most importantly the walk to school route from the village centre.
- TPC raised a number of concerns when the developers met with the Parish Council on 3rd April 2013. TPC is extremely disappointed that a number of these issues have not been addressed in the planning application:
  - a) The community does not need more 'executive' homes but single/11/2 storey and smaller homes to meet the local needs.
  - b) Takeley requires GP/health services within the village. There are existing suitable buildings within the community.
  - c) The proposed new footway that is to run the length of the development does not extend into the village centre. There is no safe crossing point to allow children to join the 'walk to school route'.
  - d) The speed of traffic on Cooks Hill (40mph speed limit zone) does not provide safe conditions for exit/entry on to the site.
  - e) The current proposed access is too close to the Countryside development access road (to the east).

The proposal provides no community benefit e.g. traffic calming scheme in Takeley Street, bike course, skate park.

## **8. CONSULTATIONS**

### **ECC Highways**

8.1 No objections subject to conditions.

### **Highways Agency**

8.2 The Agency does not propose to issue a direction.

### **Environment Agency:**

8.3 No objections subject to conditions

### **Thames Water:**

8.4 No objections

### **ECC Education**

8.5 There is insufficient early years and childcare provision to meet the needs of the development. There will also be a need to provide additional places at Takeley Primary School. A contribution of £106, 785 towards early years and £312,780 towards Primary provision is therefore required. There are sufficient places at Mountfichet maths and Computing College. The LEA therefore requests that any planning permission is granted subject to a Section 106 Agreement to mitigate the development's impact upon education.

### **Essex County Council - Archaeology:**

8.6 The applicant is required to conduct a field evaluation to establish the nature and complexity of the surviving archaeological deposits.

### **ECC SUDs**

8.7 No objections

### **Natural England**

8.8 No objection

### **Sport England**

8.9 No objections

### **Airside Ops**

8.10 Recommend that conditions be attached relating to the submission of a landscaping scheme, submission of SUDs details and the submission of a Bird Hazard Management Plan.

### **NATs**

## 8.11 No objections

### **London Stansted Airport**

8.12 It is important that the impacts of proposed developments, along with other known, planned and committed development on the performance of M11 Junction 8 is properly understood.

### **National Grid**

8.13 National Grid apparatus are located in the vicinity

### **Access and Equalities Officer**

8.14 New dwellings will need to meet the SPD on Accessible Homes and 5% of new dwelling will need to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of that document. Bungalows would be considered in meeting that need (5% across all tenures)

## **9. REPRESENTATIONS**

9.1 15 letters have been received and object to the development for the following reasons:

- concerned with the potential loss of privacy to the rear of property and increased overlooking.
- increased pressure on the public services and amenities with no sign or mention of any planned investment for improving or increasing the current serving facilities.
- the proposed location of this development will increase the level of traffic on this road. Proximity of site entrance to existing residents could cause increased problems and delays when trying to join the main road.
- the proposed entrance is at the brow of a hill and partially unsighted on the approach.
- Dramatic increase in traffic on Cooks Hill (B1256)
- The site is a rich habitat for a number of different species and supports the ecology of the local area. The introduction of any development on this site will alter the landscape dramatically and result in the loss of a number of trees and other vegetation.
- The proposal is in an area which has a number of rights of way crossing it. The statement about public open space does not cover the requirements for rights of way.
- No enough capacity in the schools
- No doctor or dentist
- Public transport insufficiency
- Minimal supermarket facilities
- Site slopes towards Southside and will increase the risk of flooding at that property for both surface water run-off and foul water.
- Provision of 300 m is not enough to maintain the separation of Takeley Street from Takeley, Brewers End.
- The public open space will cause loss of privacy, particularly with the access point.
- The public open space should be made accessible to all members of the community and should be designed with the disabled in mind with paths designed to allow for wheelchair and other ambulatory aids, appropriate measures for partially sighted and play spaces that cater for the needs of disabled children.

- The proposed land is currently green belt land and is approximately less than 200 metres from the protected land of Hatfield Forest.
- The development will have a large impact on the landscape as it will be overbearing, out-of-scale and out of character in terms of its appearance compared with the existing area
- Loss of a view from a public view point
- There are numerous areas of abandoned developed / brown land along Dunmow Road that could be redeveloped instead of ruining the Hertfordshire/ Essex countryside.

## 10. APPRAISAL

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

- A. The principle of development of this site for residential development (ULP Policies S3, S7 and GEN2)
- B. Impact upon the Countryside Protection Zone (CPZ), Visual Impact and Loss of Agriculture (ULP Policies S8, GEN2, ENV5, LC4)
- C. Mix of Housing and Affordable Housing (ULP Policies H9 and H10)
- D. Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies, adopted by Essex County Council February 2011 and adopted by Uttlesford District Council 17 March 2011)
- E. Bio-diversity (ULP Policy GEN7)
- F. Other material considerations

### A. The principle of redevelopment of this site for residential development (ULP Policies S3, S7 and GEN2)

- 10.1 The application site is located outside the development limits of Takeley and adjoins the area identified as Takeley/Little Canfield Policy 2 which was the subject of a resolution to grant planning permission under ref: UTT/1335/12/FUL earlier this year. The current site would extend the development at Brewers End further west into open countryside. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S3, and S7 of the 2005 Local Plan.
- 10.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that whilst Policy S7 is still relevant to the consideration of this application, there is also a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The applicants argue that the Council's Adopted Local Plan fails to make adequate provision for housing and the relevant policies in the plan should be considered to be out of date. Development of the application site should therefore be assessed in accordance with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which means that planning permission should be granted.



- 10.5 The applicants refer to the fact that the lack of a five year housing land supply has been accepted by the Council at recent appeals and through the granting of planning permission for sites that are not allocated within the Local Plan. The applicants note that further work is underway on the draft plan and it is presently unclear how housing requirements within Uttlesford may change or which areas will be identified for future development in the final plan. Until the Local Plan has completed the examination process and all parties have been able to make representations to the Planning Inspector, the applicants consider that the draft Local Plan can, at most, only be given very limited weight when making planning decisions.
- 10.6 The 2012 Annual Monitoring Report records the average annual completion rate to be 334 dwellings, compared with the average annual completion rate required by the East of England plan of 430 dwellings. The current level of delivery on deliverable sites for the 5-year period is therefore 78% which equates to 3.9 years' worth of supply. If the Council has been perceived as a persistent under delivering authority, an additional 20% would need to be frontloaded onto these figures as required by the NPPF but Uttlesford is not in this position and is required to find only an additional 5% to its figures. If the proposed sites identified in the Draft Local Plan June 2012 are taken into account, the percentage of the plan Uttlesford District Council target on deliverable sites for the 5 year period is 147%, the equivalent to 7.4 years' worth of supply.
- 10.7 As previously stated, the Council recognises in its most recent Annual Monitoring Report (2012) that it has a shortfall and that it should consider favourably applications for residential development which will make a positive contribution towards meeting housing requirements. This position had not changed significantly in June this year when a report on Uttlesford's Housing Trajectory and 5-Year Land Supply 2012 was referred to the LDF Working Group on 14 June 2013. The report stated that: 'The 5-year land supply statement shows that the Council has 74% or 3.7 years supply of committed sites against the annual requirement of 415 dwellings based on an economic scenario where the annual growth in jobs acts as a constraint on population and household growth.'
- 10.8 As a consequence, the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraph 49 of the National Planning Policy Framework. The Council has accepted this previously and has considered and determined planning applications in this light and in accordance with Paragraph 49 of the NPPF. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable.
- 10.9 The application site has not been identified for future development in the emerging Local Plan but it was considered in the SHLAA when it formed part of a much larger site (TAK8) which was capable of delivering between 585-975 dwellings. The larger part of the TAK8 site lies to the south of the Flitch Way and is physically and visually divorced from the current application site which was identified as having a capacity of some 113-188 units. The SHLAA commented that the Flitch Way represents an important break in landscape terms and that, although land to the south of the Flitch Way is not covered by any formal designation, it does have a different character which should be protected. Development of the northern parcel would result in coalescence but the need to maintain safety zones may effectively provide a buffer zone.
- 10.10 The applicants have indicated that the current application site would come forward in the 5 year period and propose development on the eastern section of the site. This would provide up to 100 dwellings and could make a significant contribution to the

Council's five year land supply. As such, it is a material consideration that should be given due weight in the determination of this application.

- 10.11 In terms of sustainability, the Design and Access Statement and the Transport Assessment demonstrate that the site is located close to existing public bus stops and is served by existing bus routes that give access to Stansted Airport, Bishops Stortford, Stansted Mountfitchet and Saffron Walden, and also provide access to railway stations along this route. The site also connects with existing pedestrian and cycle routes, including the Flich Way. The village of Takeley is one of the largest settlements in the district and is relatively well served with facilities, many of which are within walking distance of the application site. Development of the site would therefore allow residents to access facilities by means other than the motor car.
- 10.12 The comments of the Parish Council are noted regarding the pressure on facilities and particularly the reference to the lack of a doctors' surgery. However, the Statement of Community Involvement confirms that the applicants have approached the NHS and been advised that the NHS would use any contributions provided as part of the application, to expand a surgery at a nearby village rather than to provide a facility in Takeley.
- 10.13 It is considered that the site is located within a sustainable location in NPPF terms and that the development would provide an acceptable form of development which would allow the bringing forward of a sizable area of public open space. This would retain the visual break between the settlements of Brewers End and Takeley Street. In these circumstances and in view of the Council's lack of a 5 year housing land supply, it is considered that the presumption in favour of development as set out in the NPPF should be given significant weight. The development of this site would contribute to the five year supply and would also provide much needed affordable housing. It is considered therefore, that the presumption in favour of the development as set out in Paragraphs 14 and 49 of NPPF should apply in this instance, subject to the site being acceptable with regard to other relevant policies of the Local Plan.

**B Impact upon the Countryside Protection Zone (CPZ), Visual Impact and Loss of Agriculture (ULP Policies S8, GEN2 and ENV5)**

- 10.14 The site is located within the Country Protection Zone (CPZ) and therefore subject to Policy S8 where new development will be strictly controlled and where building will not be permitted if it would promote coalescence between the airport and existing development and it would adversely affect the open characteristics of the zone.
- 10.15 The application has been amended and the area proposed for housing has been reduced from 4ha to 3.4ha. This is located on the eastern part of the site which would now extend the existing confines of Takeley by a further 170m up to a point opposite Millers on the northern side of Dunmow Road. The remainder of the application site, extending a further 430m approximately, up to the boundary with Southside, would be provided as public open space which the applicants maintain would provide the appropriate separation and prevent the coalescence with Takeley and the Airport.
- 10.16 The land in question, together with the land to the south and west of Southside, forms the remaining undeveloped land between Brewers End and Takeley Street. The priority of the CPZ is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments. Although the application site will encroach into the CPZ by some 170m, the application also includes the provision of a large area of informal open space which will act as a permanent buffer between the two settlements and prevent coalescence. The open space will retain the visual and physical gap between the two settlements and will retain the majority of the CPZ around this part of the Airport.

- 10.17 In terms of visual impact, the housing area is proposed on the relatively level area to the east with the more sloping land being identified for open space. The sloping land is relatively prominent to views from the B1256 and it is considered that this should be protected from further development. It is anticipated that this land will be used primarily for informal recreation and the landscaping will reflect this, allowing a more natural appearance and retaining the visual buffer between the settlements.
- 10.18 In terms of the housing, the application would provide some 3.4ha of housing adjacent to existing development and would allow a looser, transitional area of lower density housing adjacent to the countryside/open space. Views of the site are limited primarily to those from the B1256 and to longer distance views from Takeley Street where the development will be viewed against the existing and approved housing at Brewers End. The application site is largely screened from the adjacent Flitch Way bridleway and is visually and physically separated from the land to the south and the nearby Hatfield Forest. The applicants have indicated that there will be a general height of two and two and a half storeys across the site with an area of bungalows on the south eastern corner. There is also proposed to be some three storey dwellings within the central area. This would represent an increase in heights to that approved on the adjacent land where the build heights are limited to two storeys. Although this would be a matter for determination at reserved matters, it is considered that an increase in height to three storey on the application site would be more visually prominent and would not provide the appropriate transition with the open space and countryside.
- 10.19 It is considered that the application proposal as amended would retain an appropriate buffer and would not result in the coalescence between the airport and existing development. It is considered that there would be some visual impact upon the countryside but that this can be partly mitigated by the landscaping and retention of a large area of open space. In view of the presumption in favour of development in Paragraph 14 of the NPPF and the limited loss of land within the CPZ, it is considered that the development as proposed would be acceptable and would not conflict with the aims and priorities of the Countryside Protection Zone.
- 10.20 The application site is currently in agricultural use but comprises part of the site for which planning permission was granted for a golf course. It is considered there is already an acceptance to the principle of the loss of this land to agriculture and therefore, there would be no conflict with Policy ENV5.

### **C Mix of Housing and Affordable Housing (ULP Policies H9 and H10)**

- 10.21 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. In this instance, the affordable housing requirement would be some 40 units. The applicants have advised that the breakdown of affordable units will be resolved at the reserved matters stage in consultation and agreement with the District Council. It is considered that this is reasonable and that the development will provide appropriate affordable units in accordance with Policy H9 of the Local Plan and their provision would be subject to a Section 106 Agreement.
- 10.22 The applicants have indicated that the proposals will provide a good mix of dwellings to meet the identified local need and that these will include some larger market family dwellings and smaller affordable housing units. No further details have been submitted at this stage and it is considered that the site is capable of providing a suitable mix of dwellings in line with Policy H10 of the Local Plan and that this would be determined at the reserved matters stage.

### **D Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management**

**Policies, adopted by Essex County Council February 2011 and adopted by Uttlesford District Council 17 March 2011)**

- 10.23 Access to the development is proposed from Dunmow Road (B1256) and will incorporate a simple priority junction. The site entrance will be within the 40mph speed limit and the Transport Statement submitted with the application confirms that discussions have been carried out with the local highway authority and the access agreed. It also indicates that discussions will take place to see whether the 30mph speed limit should be extended to incorporate the site but that the appropriate site access visibility splays can be provided for the 40mph.
- 10.24 The local highway authority has confirmed that it has no objections to the submitted application subject to conditions which include the provision of a footpath link to tie in with that to be provided on the land to the east.
- 10.25 The proposed access will provide access into the open space and the proposals also incorporate an access from the development to the Flitch Way Bridleway. In addition, the application proposes the retention of an existing field access into the open space which is located to the west of the site. The Highway Authority has raised no objections to its retention.
- 10.26 The concerns of the Parish Council regarding a crossing over the B1256 are noted. The applicants' Planning Statement indicates that a marked crossing point will also be provided across Dunmow Road at Brewers End. The applicants' suggested Heads of Terms refer to the provision of two crossing points over Dunmow Road in the form of dropped kerb and tactile paving but it is noted that this is not a requirement of the Highway Authority. The provision of this facility lies outside the application site and therefore outside the applicants' control and could not be conditioned. Further discussions are taking place with the applicant on this matter.
- 10.27 In terms of parking, the site is large enough to accommodate adequate parking provision in accordance with the parking standards and with parking spaces adjacent to the dwellings they are intended to serve. The application is considered to be in accordance with Policies GEN1 and GEN8 of the Local Plan.

**E Bio-diversity (ULP Policy GEN7)**

- 10.28 The applicants have submitted a Phase 1 Habitat Survey which identifies the potential for Great Crested Newts on nearby land. A further survey has been undertaken and Great Crested Newts have been found in two ponds located some 250m away from the site. One to the south of the Flitch Way Bridleway and the other to the north of the Dunmow Road. The report concludes that the development will have a negligible impact on newts and that the site itself has a poor quality terrestrial habitat. As a consequence, no further action is required and Natural England has no objections to the proposals.
- 10.29 The site lies to the west of the site identified as Takeley/Little Canfield Local Policy 2 where slow worms were found and where off site mitigation measures were required. The current application site differs from the Policy site in that the development will be confined to agricultural land which does not provide a suitable habitat for the reptiles. As a consequence, no additional survey work is required for the application site. The application is therefore considered to be in accordance with Policy GEN7 of the Local Plan.

**F Other material considerations**

- 10.30 The residential development of this site would increase the pressure on local education facilities. In order to off-set this pressure a financial contribution of £419,565 is sought by Essex County Council towards the provision of additional places at Takeley Primary School and early years/childcare and would be subject to a Section 106 Agreement.
- 10.31 The County Archaeologist has required that preliminary site investigation takes place before determination. The applicants have agreed with the County Archaeologist that a geophysics surveys should take place and this is being carried out at the time of writing this report.
- 10.32 The site lies opposite Millers, a Grade II listed building. The building is set back from the road within a large garden and is partially screened from the road by brick outbuildings along the road frontage. It is considered that the development would be divorced from the listed building and that the setting of the listed building will not be compromised. As a consequence, there would be no conflict with Policy ENV2 of the Local Plan.
- 10.33 The development of this site would not affect residential amenity as the design of the dwellings will take account of the development site to the east. Southside is located to the east but would be adjacent to the public open space and it is not considered that there would be issues of loss of residential amenity in this instance.
- 10.34 There are no other material considerations.

## **11 CONCLUSION**

- 11.1 Although the application site is located outside the development limits of Takeley, the site is in a sustainable location. In view of the Council's lack of a 5 year housing land supply and the contribution that this site could make to that supply, together with the provision of affordable housing, it is considered that the presumption in favour of development applies as required by the NPPF. It is considered that there would be limited conflict with Policy S8 of the 2005 Local Plan but that the provision of a large area of public open space would retain the physical separation between the settlements and the airport and prevent coalescence. In view of this it is considered that planning permission should be granted and the site brought forward for development in advance of the adoption of the future Local Plan in accordance with Paragraph 14 of the NPPF. The proposed development is acceptable in all other respects and accords with the policies of the Development Plan and the NPPF.

### **RECOMMENDATION - APPROVE SUBJECT TO A S.106 LEGAL AGREEMENT AND THE FOLLOWING CONDITIONS:**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 23 August 2013 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
- (i) Community payment for education
  - (ii) Provision of 40% affordable housing
  - (iii) Provision and transfer of open space
  - (iv) Contribution towards maintenance of open space for 20 years
  - (v) Pay Councils reasonable costs

- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
  - (i) Lack of provision of payment for education
  - (ii) Lack of Provision of 40% affordable housing
  - (iii) Lack of provision public open space

## CONDITIONS

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

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 2 years from the date of this permission.  
(B) The development hereby permitted shall be begun later than the expiration of 1 year from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) 'Residential Development for land at Takeley, Essex. B11064 FRA Rev A has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how and by whom individual elements of the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, both on and off site and to ensure that the SUDs hierarchy has been adequately addressed in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

4. No building shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the local planning authority which shows the provision of an access forming at right angles to Dunmow Road to include but not limited to:
- 1) Minimum 4.8 metre carriageway width with 2 x 2 metre wide footways on either side.
  - 2) Visibility splays with dimension of 120 metres x 2.4 metres x 90 metres as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity.
- The scheme shall be implemented as approved prior to the occupation of any dwelling.

REASON: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the public highway and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).